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ABSTRACT

Two 1975 Supreme Court decisions (Goss v. Lopez and Wood v. Strickland) have caused educators to reevaluate discipline policy in light of due process for students. Increased attention to student rights and concern for civil liberties have contributed to closer examination of suspension and expulsion in particular. School districts and state education agencies all over the country are revamping discipline policies to provide for more alternatives to these two disciplinary measures. Good inschool suspension programs offer educational alternatives, not merely other forms of discipline. Alternative inschool suspension programs are frequently housed in separate buildings with a complete education program tailored to the individual needs of the students. This paper surveys national trends in alternatives to suspension and expulsion, as well as state and district policy changes. The positions of some professional associations (such as the National Education Association and the National Association of Secondary School Principals) toward these two controversial disciplinary measures are also presented. (DS)

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SUSPENSIONS AND EXPULSIONS

CURRENT TRENDS in School Policies & Programs

EA 008 638

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Acknowledgment

Suspensions/Expulsions is one of a series of Education U.S.A. Special Reports on current trends in school policies and programs. The purpose of the series is to provide school practitioners at all levels, and others concerned with education, with the most up-to-date information on problems which are at the core of today's constantly changing education scene.

Suspensions/Expulsions was written by education issues expert Shirley Boes Neill of Carmichael, Calif. It was developed and produced by the Education U.S.A. Special Reports staff: Anne C. Lewis, Executive Editor, Cynthia C. Menand, Director of Editorial Services and John H. Wherry, Editorial Director. Special research, editorial and production services were provided by Lyn Broad, Janet Eaffy, Debbie Lucckese and Virginia McAllister.

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Overview

The late Edward T. Ladd of Emory U. cautioned educators in 1971 they should not wait for further court decisions of just what constitutes due process rights of students. To do so, said the professor, would amount to "passing control of the schools over to the courts."

Ladd's words were predictive. That same year, nine Columbus, Ohio, students brought a class action suit charging they had been suspended from school without being afforded the procedural due process guaranteed them by the 14th Amendment to the U.S. Constitution. The resulting U.S. Supreme Court decision in *Goss* v. *Lopez,* controversial enough to split the justices 5-4, was handed down in January 1975. It affirmed the right of students to due process in disciplinary actions.

Civil rights advocates were joined by some educators and teachers' organizations in hailing the decision as a victory for fairness and individual students' rights. But many administrators cried foul, claiming that the decision further eroded their power to run schools for the best interest of the majority.

"Requiring school administrators to talk with a student before suspending him – which is really all that *Goss* is about – should not create impossible burdens," said David Kirp of the U. of California at Berkeley. Owen Kiernan, executive secretary of the National Assn. of Secondary School Principals (NASSP) argued: "Whatever action might be taken to accord opportunity and freedom to youth, the necessary power to protect the school and its students must be retained at the same time by the school system and its building principals."

Just as *Goss* put administrators on edge about school disciplinary policies and practices, *Wood* v. *Strickland,* handed down a month later, caused uneasiness among school board members. In *Wood,* the Supreme Court held that board members would no longer be immune from liability if they acted maliciously or with disregard for a student's constitutional rights.

The court's decisions alone would have made educators and board members nervous enough about their handling of disciplinary actions. But the national spotlight had already been focused on the issue of suspension and expulsion by the publicity given several reports issued by civil rights and child advocacy groups. These groups were especially alarmed by their findings that disproportionate numbers of minority group children were being pushed out, suspended and expelled from school in a discriminatory manner. Some of the findings of the most serious critic, the Children's Defense Fund, were angrily denied by NASSP.

HEW's Office for Civil Rights (OCR) reacted to pressure from civil rights and child advocacy groups by issuing a hasty memorandum to all school districts in the nation, requesting them to compile comprehensive data on disciplinary actions. The request resulted in a head-on collision between the chief state school officers and OCR. The chiefs won a temporary delay, but the future can only entail more complications. For one thing, civil rights and advocacy groups continue to exert pressure on OCR to monitor school districts suspected of discrimination in their disciplinary practices. Meanwhile, the nation's schools are strongly objecting to doing more paperwork to comply with federal requirements.

There is no doubt that some districts and individual schools have arbitrarily, overtly and covertly, suspended or expelled students for questionable reasons. Similarly, in some school systems, particularly those that have undergone desegregation, the number of black and other minority children who are suspended or expelled is disproportionate to their enrollment. Why this happens is being debated. Civil rights and child advocacy groups charge discrimination. Most educators deny it.

These charges and counter-charges bring into the limelight a whole new series of unanswered questions:

- Do minority group children, particularly black children, misbehave more?

- Do teachers and administrators from middle class backgrounds just not understand children from lower socioeconomic backgrounds? If not, should the teachers and administrators or the children do the adjusting?

- How much do family background and structure influence a child's behavior in school, and ultimately, his chances of being suspended or expelled?

- Does poor academic achievement lead to poor behavior?

- How much are the schools themselves at fault?

As a result of the controversy and the clamor, the use of suspension and expulsion may be peaking. At the very least, state legislatures and state-level educators are looking more closely at the policies and practices of local school districts. This report shows there is much variance in state statutes. In 1971, according to U. of North Carolina professor Robert E. Phay, most state statutes said nothing about the procedures to be followed by an administrator or school board before a student is expelled. In addition, districts were required to provide a student with such guarantees as a notice and a hearing and to base their actions on evidence only for long-term suspensions and expulsions. Sometimes an informal procedure was legally permissible even in these cases, Phay said.

Goss and *Wood* have made administrators and school boards keenly aware of the fundamental requirement of fairness. They have influenced several state legislatures to update 20- to 25-year-old statutes that said nothing about due process. Many state departments of education have issued publications explaining due process and suggesting alternatives to suspension and expulsion. At the local level, as shown by responses to a national survey of this report, many school districts are striving to make sure their rules offer students three protections: *reasonableness, consistency of application* and *equal protection.*

The U.S Supreme Court has reminded school officials that because they are "educating the young for citizenship", they must be careful to scrupulously protect Constitutional freedoms "if we are not to strangle the free mind at its source." So a school principal, says a statement from NASSP "representing authority in the school, must be careful to ensure due process to students just as he himself expects to be protected from arbitrary tactics on the part of the police or the law courts, representing authority in the larger society."

Yet the effects of the court decisions and the civil rights reports are not all on the plus side. Administrators in one large school district, forthright in their efforts to treat students fairly prior to the *Goss* and *Wood* decisions, admit to being "on the hot seat" because of due process requirements. "It's not that we haven't provided due process to all students who are in danger of suspension and expulsion," a school district spokesman lamented. "Our system has been a model for the state. But now we have to spend much more time doing paperwork to meet legal requirements and worrying about whether our procedure will be challenged by the ACLU [American Civil Liberties Union]."

An Oregon vice-principal told a meeting in his state on school discipline after the *Goss* and *Wood* decisions: "School districts now find themselves in the position of hiring an attorney for consultation purposes regarding disciplinary decisions on the disruptive student. We must carefully pursue each problem with caution and follow the correct procedures prescribed in our complex rights and responsibilities document or the case will be appealed and overturned." He wondered aloud "if the legal profession is using this due process concept as a means to enhance their law practice."

Some administrators, in interviews for this report, objected strenuously to the use of the word "hearing" instead of "conference" in references to due process procedures. "We don't want this to sound any more like a courtroom trial than it already is," said one.

One administrator admitted his district now "overcompensates" in terms of disciplining minority students. "Our teachers and principals now look the other way when a black child misbehaves so they will not have to take action, submit a report to the central office and, perhaps, answer questions from the school board."

Some districts are doing what they have always done – that is, suspend or expel students when they see fit. "You can imagine," said a spokesman for one state department of education, "the different kinds of interpretations our local principals come up with for immoral or disreputable conduct," an offense justifying suspension or expulsion under the state's laws.

Many districts are now questioning the use of suspensions for truancy or skipping classes. The Mesa (Ariz.) Public Schools "closes" a student out of class until a situation can be resolved rather than issue a suspension. This is but one example. Alternatives of all types and durations – full-time, part-time, in-house, in separate quarters – are increasing as the best all around answers to suspensions and expulsions.

Descriptions of federally funded and school initiated alternative schools and programs are included in this report, as well as details on counseling approaches, some possible solutions to the problems of nonattendance and brief descriptions of practices like after-school detention that were common in the first part of this century.

Alternative approaches are generally welcomed by teachers and administrators. Most are new however, and have not undergone the test of time. Various educators warn of the dangers of establishing alternatives based solely on the criterion of bad behavior or of using alternatives as catch-alls and dumping grounds for every child who presents a problem of any kind to the classroom teacher.

The Seattle, Wash., director of the schools' department of student relations, Dan Riley, explains how the financial crunch has affected that district's capacity to continue its multiphased approach for dealing with special students and special problems:

> We have a long-standing commitment to the concept of preventive intervention utilizing specialized professional personnel like counselors, social workers, psychologists and school nurses. Until last year (1974-75), our student-specialist ratio was good but our current financial crisis has greatly limited this resource. Without the district's multiphased program, the number of suspensions in the 65,000-student district would be 4,000 to 5,000 a year. In 1975-76, Seattle recorded 2,000 suspensions.

The district's special and alternative programs, many of which provide viable options for suspension, are usually full. "We could use more, particularly at the junior high and middle school age level," Riley said. His concerns about finances can probably be repeated by every school district, and the dearth of programs to serve junior high students is nationwide. Services and programs are needed at this grade level, he said, to turn students around before they get into the ninth and tenth grades – the years in which more students are suspended and drop out of school than any other.

Clearly, the suspension/expulsion crisis is not over. Following are some developments to watch in the future:

- More pressure by civil rights groups to limit the use of suspension. They want to prune the substantive grounds for suspension so that it can be used only in emergency situations.

- More pressure by civil rights groups to guarantee due process when students are referred to in-school suspension and other alternative programs.

- Additional collective bargaining agreements between teachers and school boards that contain clauses eliminating the teacher's responsibility for student supervision except in the classroom.

- More questioning and investigation of the practice of expelling students.

- Further proliferation of alternative programs.

- More efforts at the state level to determine how suspension and expulsion are carried out at the local level.

School administrators and school boards must become students of education law – for their own protection as well as that of students. As Richard Johnson of the National College of Education, Chicago, advised school board members at a national meeting: "Teachers are currently held accountable by principals, principals by superintendents, superintendents by boards of education and boards by the community. Judicious, realistic appraisal of [discipline] issues and alternatives has been difficult. Each group fears bringing undue attention to the problems because of the tendency to be blamed by the next group for not doing an adequate job. The current need," he added, "is for cooperative community analysis and comprehensive problem-solving programs."

And Robert Phay comments: "The school should seek ways to get the student to correct or modify his behavior since the school often represents the last opportunity to make a productive citizen out of that child."

Chapter 1.

Goss and Wood—What They Mean

Goss v. *Lopez* and *Wood* v. *Strickland* were heard by the U.S. Supreme Court on the same day and they were meant to reinforce one another. Taken together, the decisions mandate minimum due process procedures for students in suspension cases. In other words, students must be dealt with fairly, not arbitrarily, by administrators. *Goss* specifies that, in connection with a suspension of 10 days or less the student must be given oral or written notice of the charges against him. If he denies the charges, he must be given an explanation of the evidence the authorities have and an opportunity to present his side.

"Generally," the court held, "notice and hearing should precede the student's removal from school, since the hearing may almost immediately follow the misconduct. If prior notice and hearing are not feasible, as when the student's presence endangers persons or property or threatens disruption of the academic process thus justifying immediate removal from school, the necessary notice and hearing should follow as soon as practicable."

In the *Wood* decision, the Supreme Court justices ruled 5-4 that school board members may be sued by a student under Section 1983 of the U.S. Code if they act officially in violation of a student's constitutional rights or with intent to injure him.

Goss Briefly Reviewed

In 1971, a number of students were summarily suspended from the Columbus, Ohio, schools during a period of racial tension. Nine of the students brought suit. They claimed that the Ohio statute under which they were suspended did not provide the procedural due process guaranteed by the 14th Amendment to the U.S. Constitution. The Ohio statute in question authorized principals to suspend students for up to 10 days without notice or hearing. The Supreme Court ruled in *Goss* that the statute was unconstitutional and that the students' civil rights had been violated by school officials.

Justice Byron White, in writing for the majority, said students facing temporary suspension from a public school have property and liberty interests that qualify them for protection under the due process clause of the 14th Amendment. Further, the majority opinion held, neither the liberty nor the property interest of students "is so insubstantial that suspensions may constitutionally be imposed by any procedure the school chooses, no matter how arbitrary."

The court was not unmindful of the possible consequences of its decision. It said: "The prospect of imposing elaborate hearing requirements in every suspension case is viewed with great concern and many school authorities may well prefer the untrammeled power to act unilaterally, unhampered by rules about notice and hearing. But it would be a strange disciplinary system in an educational institution if no communication was sought by the disciplinarian with the student. . . . No better instrument has been devised for arriving at truth than to give a person in jeopardy of serious loss notice of the case against him and opportunity to meet it."

The court stopped short of requiring that every hearing in a suspension case must afford the student the opportunity to secure counsel, to confront and cross-examine witnesses or to call his own witnesses. "Further formalizing the suspension process and escalating its formality and adversary nature may not only make it too costly as a regular disciplinary tool but also destroy its effectiveness as part of the teaching process," the court said. By requiring a fact-finding hearing, however, the court believed it could reduce the chance of error in suspension cases.

"Longer suspensions or expulsions for the remainder of the school term, or permanently," the court concluded, "may require more formal procedures. Nor do we put aside the possibility that in *unusual situations* [emphasis added], although involving only a short suspension, something more than rudimentary procedures will be required."

Peter Roos, the attorney who successfully argued *Goss* v. *Lopez* on behalf of the students, pinpointed in an issue of *Inequality in Education* three "common criteria" to be considered by school officials as a result of the ruling:

1. The person making the decision must be relatively free from bias.

2. No longer may a teacher or other adult's words be given an irrebutable presumption of truthfulness. Roos says that if the teacher or adult's version of the story differs so much from the student's that the outcome depends on it, the suspension becomes an "unusual" short-term one.

3. The student must be found guilty of a specified offense based on evidence.

There are two conditions in which the informal procedures of a simple suspension should give way to the more formal procedures of the "unusual" short-term suspension. Roos says "if it appears to a reasonable person that the facts of a given case cannot be resolved by the informal procedures of a simple suspension or if harm is likely to be unusually severe, the more formal procedures should apply." Such situations could include: not graduating, not being able to go to college, not being accepted for a job, accusations relating to the use of drugs or other stimulants or accusations relating to sexual promiscuity.

Wood Briefly Reviewed

The first ground-breaking decision, *Goss,* involved a northern school system; its companion case, *Wood,* resulted from the actions of the Mena, Ark., school board. Three 16-year-old girls were charged with "spiking" punch served at an extracurricular event. The principal suspended the girls from school when they told him what they had done. Based on the girls' confession, the board of education then expelled the girls for the remainder of the term, approximately three months.

Two of the girls filed suit demanding reinstatement in school and money damages from the administrators and school board members. The court of appeals and the district court disagreed about whether school board members were immune from liability for damages. Traditionally, school board members had such immunity. The U.S. Supreme Court, in its 5-4 decision, held that school board members do not now have absolute immunity.

The majority decision concluded: "A school board member is not immune from liability for damages if he knew or reasonably should have known that the action he took within his sphere of official responsibility would violate the constitutional rights of the student affected, or if he took the action with the malicious intention to cause a deprivation of constitutional rights or other injury to the student." The court added that a compensatory award would be appropriate only if the school board member acted with such an impermissible motivation or with such disregard of the student's clearly established constitutional rights that the action cannot reasonably be characterized as being in good faith.

In the category of offenses involving "clearly established constitutional right" or "settled, undisputed law," the board member's liability is virtually absolute and is not determined by an inquiry into his motivation. This is the interpretation offered by G. Ross Smith, an attorney for the Arkansas School Boards Assn. Smith was involved in the litigation for the *Wood* case. In cases involving some alleged constitutional right but not a "clear undisputable one," the board member's liability depends on motivation. "Unless the student can demonstrate a malicious intent to do harm in such cases, he cannot recover damages," Smith holds.

NASSP advises that school board members are not to be held responsible for every innocent mistake. Moreover, the association notes, "the liability for damages assigned to board members by *Wood* has already been held to apply to principals and teachers, who are never accorded immunity as public officials. To the extent therefore that the *Wood* case makes school boards more cautious in the adoption of regulations which principals must administer, it may help keep principals out of court."

M. Chester Nolte, an authority on school law, offered advice to school board members on how to comply with the ruling in an issue of *American School Board Journal.* A key tip from that article: "One of the most persistent demands made by the courts of quasi-judicial bodies [which school boards are] is that they should not go into a hearing having already made up their minds as to the outcome."

Interference or a Step Forward

Views differ on the effect *Goss* and *Wood* will have on the nation's schools. According to one, the decisions outlining minimum due process amount to "interference" by the federal courts in the affairs of schools. Another is that "for too many years there was a 'school can do no wrong' attitude." *Wood* was denounced by some officials because it might cause capable citizens to refuse duty as board members.

The Supreme Court's own view on *Goss* is that it requires no more than a fair-minded administrator would do anyhow. Many educators agree that the majority of schools have always afforded students their due process rights, and that *Goss* will not necessitate substantial changes.

Administrators who feel their hands are tied by the new rulings are taking the wrong attitude, says Bill Raulus, legal counsel for the Salem (Ore.) Public Schools. Administrators have to use their own judgment to determine what is in the best interests of the school at a given time and in a given situation, he says. "Don't be afraid to make a mistake, so long as you are using your best judgment and it is not arbitrary or capricious."

Raulus stresses that students have the right to express their views when they are accused of wrongdoing, but that they sometimes mistakenly extend and abuse their new-found rights. "They do not understand what their constitutional rights are and they believe they have a carte blanche right to do what they want," he points out. "This is where school administrators have to take firm control of the situation. They have to show students that they must be responsible if they want to stay in school."

Will Your Due Process Procedures Keep You Out of Court?

"Put yourself back a few years and into the status of the student," advises John I. Purtle, attorney for the Pulaski County Special School District in Little Rock, Ark. "Fair and impartial rules require you to do the right thing," he states. He suggests that the more severe the penalty handed a student, the more elaborate the due process procedure should be.

NASSP recommends that school principals follow the due process procedures outlined in *Goss* for short-term suspensions (10 days or less).

In *long-term suspension or expulsion,* NASSP advises that school districts use the following considerations:

1. In the absence of clear statutory or administrative requirements, the student should be provided: written notice of the rules violated, the intention to suspend or expel, and the place, time and circumstances of a hearing with sufficient time provided to prepare a defense.

2. A full and fair hearing before an impartial person (not the person who collected the evidence).

3. The right to legal counsel or some other adult representation.

4. Opportunity to present witnesses or evidence in the accused pupil's behalf, and to cross-examine opposing witnesses.

5. Some kind of written record (not necessarily verbatim) demonstrating that the decision was based on the evidence.

Several other authorities suggest also that students should be made aware of their rights and the procedures to be followed in appealing the decision to a higher authority.

To avoid liability, NASSP advises administrators and school boards to:

1. Make and enforce any rule which appears to abridge civil rights only after careful consideration. "If at all possible, get the advice of counsel."

2. If a rule or its enforcement appears to abridge a student's civil rights, be certain it is necessary, reasonably related to the school's purposes and administered without discrimination.

3. Set up fundamentally fair disciplinary procedures which meet suggested standards for suspension and expulsion.

4. Make a reasonable attempt to keep up with court decisions governing student conduct in your jurisdiction.

Chapter 2.

Advocacy Groups 'Raise' Consciousness

Two groups released major reports about the time of the *Goss* and *Wood* litigation on the use of suspension and expulsion: the Southern Regional Council and the Children's Defense Fund. Their reports, particularly that of the Children's Defense Fund, received national attention. They focused attention on the plight of the youngster who is pushed out of school or unjustly suspended or expelled.

The reports are summarized below, along with some of the reactions to them.

The Southern Regional Council Investigates 'Pushouts'

In 1970, the Southern Regional Council (SRC), headquartered in Atlanta, initiated its school desegregation project. The purpose: to keep an eye on what was happening in newly desegregated schools. The council suspected that in the aftermath of the dismantling of the South's dual school systems, black students were being pushed out of newly integrated schools through overt and covert actions of school officials. The council monitored schools in eight southern states as it looked for evidence that the massive resistance to desegregation of the 1960s was being replaced by more subtle discrimination and classroom segregation practices in the 1970s.

In *The Student Pushout: Victims of Continuing Resistance to Desegregation*, SRC reported that data on suspensions and expulsions were "spotty, partial and often unreliable where differences in terminology existed." As an example, it cited administrators' use of the term "indefinite suspension" instead of expulsion. In some districts, figures on suspensions and expulsions either were not kept or were not available.

The council noted that students who are suspended or expelled may become dropouts. As an example, the report said: "Scattered reports from across the state of Louisiana indicate that many students who are expelled never return to the classroom." The report also quoted an assistant superintendent in Georgia who admitted: "We don't use the term expulsion around here. We call them dropouts." In the council's view, such students are "pushouts."

SRC placed much of the blame on the federal government. It scored HEW's Office of Education and Office for Civil Rights (OCR) for their "small effort to assemble relevant data on postdesegregation discrimination." It noted in its report that prior to 1972-73, OCR did not require districts to submit data on suspensions and that some of the data it collected on student expulsions were "questionable." Among these were school district reports on expulsions in 1970-71. In that year, 20,400 expulsions were reported by 2,831 school districts. These districts enrolled 90% of all minority students in the nation; yet, more than half of them reported zero expulsions.

Based on an analysis of the reported expulsions, SRC concluded that minority students were expelled at twice the rate of nonminority students, and black students were expelled at three times the rate of nonminority students. *Herein is the central issue in the arguments on suspension and expulsion by civil rights and child advocacy groups: The statistics seem to indicate discrimination and unequal treatment of minority students in disciplinary matters.*

Leon Hall, SRC's program officer, concludes that "school systems in the Southern and border states appear to mete out disciplinary actions more frequently and for longer periods." He adds, however, that student pushouts should be a concern in all areas of the country.

Proving that students have been discriminated against or pushed out is not easy. Determining cause and effect when a student leaves school is difficult. As stated by one school administrator, "Any attempt to determine whether or not schools discriminate in their treatment of 'dropout-prone' students will require an evaluation of the administrative and counseling services at each school — and this obviously is not an easy task."

SRC's report seems to have had two effects: it inspired other civil rights groups to investigate discriminatory practices of school systems and it raised questions about how many school systems discriminate in their treatment of students.

Peter Holmes, former director of OCR, said his office did not think that discriminatory disciplinary practices were as severe "as some people thought." He explained also that well into the 1970s, OCR was concerned with desegregation *per se*, and with faculty dismissals, discriminatory firings and student dismissals. When it started to tackle "second generation" desegregation problems — those occurring in the classroom — it concentrated on the tracking of students in grades 1-6.

Pushouts became more of a concern following hearings by a House subcommittee on equal opportunity. The attention given to the hearings led to pilot investigations of disciplinary practices by OCR, starting with Anne Arundel County, Md., in August 1974.

Holmes noted that "OCR cannot take people into court." It can only ask the U.S. Dept. of Justice to file a lawsuit. He pointed out also that statistical proof alone will not win a lawsuit. The Dept. of Justice needs to prove that pushouts result from racial discrimination by school authorities. As explained by a former chief prosecutor for the Dept. of Justice: "The question is whether the statistics are a result of some discriminatory conduct on the part of school authorities or whether they are the result of the way students act."

In Texas, for example, a court ruled against the Dallas Independent School District and in favor of a black student who charged he had been denied due process in a suspension case. The plaintiffs cited a dramatic rise in Dallas' use of suspensions from 1968 to 1973 (desegregation started in 1971). The plaintiffs also charged that the burden of suspensions fell disproportionately on black children in the district. Supt. Nolan Estes testified in open court that "institutional racism" within the school district contributed to the admittedly disproportionate number of suspensions for black children. Other contributing factors, Estes said, were the students' socioeconomic backgrounds, achievement, motivation and health, and the educational level of their parents. Estes distinguishes between institutional and individual racism by explaining that the latter is an overt act which represents bias, prejudice and racism. Institutional racism, he says, is more covert. "It's more subtle, it's unconscious; it's unintentional." In the court's final decision, issued in June 1974, the judge agreed with Estes that institutional racism was the chief cause of the disproportionate number of blacks being suspended from the district.

CDF Charges Disproportionate Suspensions

In the year following release of SRC's report, another group charged that children were being discriminated against, not only in the South, but in all parts of the country. In October 1974, the Children's Defense Fund (CDF), a nonprofit organization of lawyers, federal policy monitors, researchers and community liaison people, released its much publicized report, *Children Out of School in America*. It asserted that two million children were not in school for various reasons, including suspension and expulsion. CDF analyzed the suspension data submitted to OCR by five states — Arkansas, Maryland, New Jersey, Ohio and South Carolina. CDF projected that almost 7% of all minority students in the five states had been suspended at least once and that 5% or more of black students in 50% of the districts analyzed in detail were suspended. By comparison, only 23% of the districts reported the suspension of 5% or more of their white students.

The director of OCR at the time, Peter Holmes, corroborated the pattern of disproportionate minority suspensions. He said, "In only one city of 20 reviewed (by OCR) was the percentage of minorities suspended less than the percentage of minorities in the total enrollment." He cited the following figures before a House subcommittee investigating equal opportunity in May 1974:

City	**Minority Enrollment**	**Minority Suspensions**
New York	64.4%	85.9%
Houston	56.4%	71.0%
Cleveland	59.9%	70.8%
Memphis	58.0%	70.2%
Dallas	49.4%	68.5%

According to OCR's tally of suspensions and expulsions released in 1975, minority students

Do Minority Children Misbehave More?

One of two reasons should explain the statistical disparities in data on suspension and expulsion, says Lloyd R. Henderson, director of the Office for Civil Rights' division of elementary and secondary education. "Either minority children are more disruptive and misbehave more than white children, or minority children are suspended and expelled discriminatorily."

Marion Wright Edelman, Children's Defense Fund director, says minority children, specifically black children, do not misbehave more. NASSP's Owen Kiernan says there is no concrete evidence either way. M. Hayes Mizell, director of the South Carolina Community Relations Program of the American Friends Service Committee, among others, suggests that one explanation may be "cultural conflict." This happens, he says, "when you have a middle class school system with middle class people (both black and white) teaching in it and administering it." Some of the students from a different cultural orientation, Mizell says, have different ideas as to how conflict is resolved. "Some kids come to school thinking you resolve conflict by beating them up, or shouting or hollering at them, or cussing them out."

Some school personnel think, however, that a better clue as to which students get suspended or expelled can be obtained by looking at students' academic records, not their race.

An evaluation report on a junior high alternative program in East Baton Rouge, La., has this to say: "Careful examination has revealed that students who are suspended and expelled exhibit certain common characteristics. A large majority of them are academically deficient. With few exceptions the greater the academic deficiency, the greater the incidence of unacceptable behavior. Interviews with these students and their teachers indicate that the academic retardation so frustrates this type of student that school rules of suspension and expulsion are used as a means of escaping from an impossible situation. The students prefer the stigma of being rejected by the school to the constant humiliation of not being able to compete successfully with their peers. Another characteristic of suspended and expelled students is a personality which cannot accept the highly structured environment of the traditional school."

In interviews for this special report, school administrators noted that a child's family background, in terms of economic and marital stability, determines the amount of pressure that will be applied on a child to obey school rules and remain in school. In other words, instability in the home can result in suspension or expulsion.

accounted for 38% of the total enrollment in the 2,908 systems surveyed, but they accounted for 43% of the expulsions and 49% of the suspensions. Nonminority students, comprising 62% of the total enrollment, received 55% of the total expulsions, and 51% of the suspensions. The systems covered in the survey were those being desegregated, in litigation over a desegregation plan or under a federal court order to desegregate.

OCR concluded that "school systems in the southern and border states appear to mete out disciplinary actions more frequently and for longer periods."

Almost a year after the release of its first report, CDF published a more extensive study focused entirely on school suspension. The report, *School Suspensions: Are They Helping Children?*, was based on a large scale analysis of suspension data submitted to OCR. In addition, CDF surveyed 6,500 families in nine states and the District of Columbia and interviewed more than 300 officials and community leaders. By doing so, CDF focused attention on suspension and expulsion policies and practices all around the country, not just in the South and not just in desegregated schools.

Based on its analysis, CDF said that more than one million students had been suspended from the reporting districts in the year surveyed. The children were suspended for an average of four days. Fifteen states reported the suspension of more than 30,000 children each. Moreover, CDF said the data underestimated the suspension problem because not all districts reported suspensions; the data were incomplete or inaccurate; and only students suspended at least once were counted. CDF said it found that 40% of suspended students have been suspended two or more times, and 24% were suspended three or more times.

Marian Wright Edelman, director of CDF, outlined the study's major findings before the Senate Subcommittee To Investigate Juvenile Delinquency in September 1975. She said: "Disciplinary exclusions are commonly used – almost a knee-jerk reaction – by school officials with children who pose problems because they are different in any number of ways. Second, we found that the vast majority of suspensions were for nonviolent, nondangerous offenses." According to CDF, 73.4% of reported suspensions were for nondangerous offenses; 25% were for truancy or tardiness. Less than 3% of suspensions, according to CDF, were for destruction of property, the use of drugs or alcohol or other criminal activity.

Another major finding in the CDF study: "While no group of children is immune from suspensions, they impact disproportionally on children who are black, older, poor and male," Edelman said. She added that secondary students were suspended nine times as frequently as elementary students and that black children were suspended at twice the rate of any other ethnic group. "Some may claim that the higher suspension rates for black children simply reflect greater misbehavior on the part of black students," she said. "We disagree with that. We have found what black parents, children and civil rights groups have charged for years: that there is racial discrimination and insensitivity in the use of disciplinary sanctions. We found, too, that black children were more likely than whites to be suspended if both had committed the same offense and that some offenses could only have the effect of disproportionate suspension of black youngsters." In some districts, said Edelman, "suspendable offenses include carrying a metal pick used to comb Afro hairstyles or wearing a headscarf."

Other findings from the CDF study included:

- The majority of suspended students in the districts reporting to OCR were white (471,948 of 927,729 suspended students).

- High suspension rates were not limited to any particular kind of school district. "Although the largest numbers of children were suspended from the largest school districts North and South, the proportions of children kicked out of school in many smaller districts are great."

- "Not a single school official we interviewed contended suspension helped children," the CDF report stated. It added: "Almost every school official we interviewed gave as the principal rationale for suspending children 'to get parents in.' "

Principals Challenge CDF Findings

CDF's report on suspensions was not well received or believed in every quarter. Its findings were soundly criticized by Owen Kiernan, executive director of the 35,000-member National Assn. of Secondary School Principals (NASSP). Kiernan said in a letter to Sen. Birch Bayh, chairman of the Senate subcommittee on juvenile delinquency: "Despite repeated suggestions to the contrary, it is not our experience that the first impulse of administrators faced with problems of student conduct is to suspend or expel the students."

Very few districts, Kiernan added, allow students to be suspended for minor, nonviolent transgressions unless the violation is a repeated one. "In these cases, the suspension is imposed because of the pupil's demonstrated refusal to comply with school rules, rather than the violation itself." Kiernan added that the importance of maintaining the educational process sometimes collides with the rights of individual students in the day-to-day administration of a school. "Hard choices must be made and made quickly.

"Many student advocacy groups make brief acknowledgment of their concern with the interest of the public and the large majority of school pupils in maintaining a school environment in which the educational process can be carried on. Having done so," Kiernan said, "primary attention is focused upon the abuse of individual rights of those pupils accused of disrupting the process or of violating some other school rule.

"What principals and, I am sure, other educators resent," the NASSP official noted, "is the tone of many outside critics whose major point seems to be to convince the public that most educators don't care about children and want only to rid themselves of those who cause any kind of disciplinary problem."

Kiernan also challenged CDF's use of data, and said the reasons for exclusions as stated in the report were based on parents' opinions and not on a survey of administrators. Kiernan also disagreed with CDF over its categorization of reasons for suspension. The CDF report attributed 36.6% of all suspensions in its survey to fighting. All but 1.6% of the fights were ordinary student scuffles, according to Edelman's testimony before the Senate, "So worded," said Kiernan, "suspension for this reason may sound like a harsh remedy, but . . . nothing is taken more seriously by parents than physical attack upon their sons and daughters." He added that the courts regard the prevention of fights as part of an administrator's responsibility.

NASSP is preparing a rebuttal to the CDF findings. In a letter to a random sample of 1,076 NASSP members on Dec. 1, 1975, Kiernan promised that the specific findings from an NASSP query on disciplinary practices would be brought to the attention of both the U.S. Senate and HEW.

Following are some of the preliminary findings of the NASSP survey. They are based on answers from 42 schools or districts in 24 states.

- All schools reported that students are told the reasons they are suspended and all said students are given an opportunity to respond to charges.

- In 93% of the schools, students were given an opportunity to appeal a suspension decision.

- The most frequent reasons for suspensions, in rank order, were:

  √ attendance problems (truancy, skipping, repeated tardiness)
  √ smoking
  √ nonviolent acts disruptive of the educational process (disrespect, defiance, misbehavior, class disruption, cheating)
  √ violations of other school rules (school bus, cafeteria)
  √ assault, fighting or threat of injury
  √ drugs and alcohol, vandalism, theft or other destruction of property.

- Approximately 52% of suspended students were repeaters, that is, they had been suspended more than once.

- All schools said a conference normally preceded suspension and expulsion; 86% said letters were sent home; 73% used "referrals"; 48% used restrictions; 46%, detention; 34%, in-school suspension.

- Students were said to contribute to the development of school regulations on discipline in 83% of the schools; parents were involved in 62%.

- In 95% of the schools, parents were informed in writing of regulations on discipline.

Whither Stands OCR?

OCR's role in the rising drama of school suspension and expulsion has been somewhat like that of a supporting actor who is not sure of his lines. Moreover, the federal civil rights compliance agency is understaffed, under pressure from all sides and overwhelmed by the number of complaints it must investigate regarding discrimination by race, national origin, sex and handicaps.

OCR has been pressed by civil rights groups to investigate school systems that allegedly discriminate in their disciplinary practices. So, in August 1975, OCR Director Martin Gerry notified the nation's school chiefs that the agency was undertaking an investigation of possible violations of civil rights statutes. Specifically, it wanted to find the reasons for statistical disparities in data on suspension and expulsion of minority and nonminority students.

OCR requested each of the nation's 16,000 school districts to keep records and documents on disciplinary actions for two years, commencing with the 1975-76 school year. The kinds of actions for which records were to be kept included expulsions, suspensions reported by number of school days, corporal punishment, referral to special classes or schools for behavior modification and transfer to another class or school. For each disciplinary action, full information was to be kept, including the racial/ethnic designation and sex of the student, the nature of the offense, full information on due process procedures including the form of notice, testimony and findings, and disposition of the case.

Each district was also to account for student withdrawals from school (dropouts) with full information on each student and the reason for withdrawal. OCR wanted to let school superintendents know that discrimination in student discipline is a violation of federal law. Moreover, if OCR wanted to look into policies and procedures of a particular district at a later date, full information was to be available.

The chief state school officers, among other educators, immediately protested the requirements, saying they imposed excessive and unnecessary record-keeping burdens on too many school districts (even those with few or no minority students).

The results of the protest caused OCR to rewrite the memo. A new one was issued in January 1976. It requires only the 3,000 school districts that enroll most of the nation's minority students to start keeping records. The requirements, waived for the 1975-76 school year, were to become official as of the 1976-77 term. But OCR, not wanting to "put people on the spot again," has delayed the process once more, until September 1977. The substance will be about the same, says OCR, but the Office of Management and Budget has asked that record-keeping requirements be made more specific.

In addition, OCR said the kinds of information listed in the first memo were considered "illustrative" and not necessarily required. For this, OCR came under fire from the Children's Defense Fund for not sticking to its earlier mandates.

OCR says it is just trying to do the job assigned to it by Congress – to find out if school districts receiving federal funds are discriminatory in their treatment of students. Put bluntly, OCR's position is that districts can throw students out of school for any reason they want to, so long as they do it in a nondiscriminatory fashion, i.e., without regard to sex, race or national origin.

"We cannot ignore the statistical disparities in data on suspensions and expulsions of minority and nonminority students," said Lloyd Henderson in an interview for this report. Henderson, director of OCR's elementary and secondary education division, added: "We must try to explain these disparities. To do this, records must exist.

"If we find that minority children are expelled or suspended for *subjective* offenses, that is, offenses that are not clearly defined and are subject to widely different interpretations, while white children are suspended or expelled for *objective* offenses, then changes must be made. Subjective offenses must be defined clearly. If they can't be, then they cannot be used to punish students." Henderson continues: "If students are not given due process before they are suspended or expelled, then they must be provided this basic right.

"It is not true," Henderson maintains, "that we are seeking to require proportionate suspensions and expulsions among the races and sexes."

OCR's dilemma is further complicated by lack of staffing. As of the end of the 1975-76 school year, the agency had only 200 persons scattered around the country to check on complaints of violation of all civil rights statutes. As of June 1976, the office was slated for 150 new staff members. With that in mind, it made a commitment to resolve every bias complaint in elementary and secondary education within a year's time. Moreover, the agency promised it would speed up the process for emergency complaints involving expelled students.

Whether this will happen remains to be seen. According to one source, the going will still be rough for the agency. He said he has found that the OCR monitors who check his district's compliance "don't really know how to spot discrimination." What happens, he said in an interview for this report, is that the OCR monitors "just waste our people's time. We could show them how to look for discrimination, but we're not about to do that."

What Price Suspensions/Pushouts/Expulsions?

The Student Pushout, first released by the Southern Regional Council (SRC) in 1973, cited monetary losses as one outcome of the pushout phenomenon. At that time, however, it concentrated its attention on monetary losses to youngsters who do not complete their education and the extra costs that may accrue to society due to welfare payments and social services.

More recently, SRC's Leon Hall cited the monetary losses to school districts that suspend, expel, lose or force out students. "The costs of arbitrary and unjust use of suspension and expulsion are felt by educators and school systems using average daily attendance (ADA) to compute state aid to local school systems," Hall told an NEA meeting.

To illustrate his point, Hall cited figures for one year in the state of Georgia when local education agencies lost approximately $55 million in ADA funds due to absenteeism, $870,000 in ADA funds due to suspensions, $117,000 due to dropouts, and $4,800 due to expulsions. Theoretically, if cuts in staff had accompanied losses of students, an equivalent 3,000 staff positions would have been cut in Georgia schools that year, according to Hall's calculations.

Hall told his NEA audience that some states have reacted to student losses by changing to another way of calculating attendance. "The single most outstanding move we have found at the state level is a growing shift from daily ADA reported on a periodic basis to a formula of computing the yearly ADA on a select controlled period of time.

"This means," said Hall, "that local systems can quite well afford to be relaxed regarding attendance. Systems under the changed formulas can suspend, expel or cause to drop out of school as often and as many students as possible without losing staff positions or state aid." Local school officials argue, he added, that the new formulas are needed because school systems with heavy concentrations of the economically deprived and minorities are unduly victimized by the old ADA system. The fact remains, Hall concluded, "this shift threatens to nullify compulsory attendance laws and it also removes a potentially very important incentive for educators to create an environment where they keep more young people in the school house."

Chapter 3.

Points of View

Current views on suspension and expulsion range from "don't use them at all; they are absurd" to "they are necessary to maintain the learning environment in the school."

Because expulsion is a more serious disciplinary measure, it is used much less often than suspension. In some areas, however, students are expelled when they accumulate two to four suspensions or when they repeat the same offense over and over. One South Carolina director of an alternative program offered this rationale for the use of expulsion: "Some students are probably better off out of school under the best of circumstances."

The Iowa Dept. of Public Instruction has taken a strong stand against expulsion. It said "expulsion is so inappropriate and it has such a stigma attached that 'board suspension' should be used to replace it."

Suspension, on the other hand, is more frequently used, particularly since in-school suspension programs became popular and since the Supreme Court handed down the *Goss* and *Wood* decisions.

NASSP's Position

NASSP says in an issue of *The Practitioner* that "most administrators agree that suspensions are no more than stopgap measures," and that schools "constantly search for other alternatives to curb misbehaving youth." It also laments the fact that fines, "a potentially effective deterrent," are ordinarily not allowed. NASSP, like other national education organizations, has not taken a stand for or against the use of suspension and expulsion.

The closest NASSP comes to offering a definitive statement is contained in *This We Believe*, its position paper on secondary education. It says:

> Some few youth may not respond to any proposal for learning. The school's function in society is to plan and to provide instruction, broadly conceived. The secondary school should not assume responsibility for those youth who refuse to learn or cooperate even under the wider opportunities of a coordinated school-community effort. For the rehabilitation and therapy of youth, society must turn to other youth-serving agencies whose mission and training will provide appropriate services. The school's role is to assure that rehabilitative services available to youth are well coordinated and that referrals from school are appropriate. Where such services are not available, the school should promote their development in the community.

AASA's Position

The Delegate Assembly of the American Assn. of School Administrators (AASA) adopted the following resolution at its 1976 annual meeting.

> AASA views with great concern the suspension and expulsion of students from the schools of our nation, particularly as it affects minorities. AASA urges that school administrators give positive leadership to develop alternatives to these practices. These alternatives must provide environments which meet the educational needs of the students and guarantee due process.

NEA's Position

The National Education Assn. (NEA) applauded the Supreme Court decision in *Goss* v. *Lopez* (See Chapter 1). In fact, it supported the suit through its DuShane Fund. As explained by the NEA general counsel, "The relationship between fair procedures in student discipline and fair procedures in teacher discipline was a central reason for

NEA's participation in the *Goss* case. The *Goss* decision promises to be helpful in securing greater due process rights for teachers.

"If a teacher were suspended for even one day without an opportunity to be heard on a charge of engaging in a prohibited activity when the teacher claimed to have been elsewhere at the time," the NEA counsel continued, "presumably the teaching profession, without appreciable dissent, would protest the action as unfair. Why then should school authorities be permitted to suspend a student for participating in a student disorder when the alleged offender claims not to have been a participant and is not given an opportunity to be heard on the issue?"

Other Views

The California Assn. of Supervisors of Child Welfare and Attendance recommends:

> Short term severance from school attendance should be based on clearly attainable purposes; long-term severance, including expulsion, should be *to* an alternative program rather than *from* educational opportunity.

It also says the policy of any school district should:

- Require periodic review of all cases in which long-term severance is a factor
- Prohibit "voluntary withdrawal" as a device for severing the attendance of any pupil under age 18
- Establish and publicize periodically regulations governing severance of attendance
- Allow suspension or expulsion only when other means of correction fail to bring about proper conduct
- Prohibit suspension as a punishment for truancy
- Establish hearing procedures under due process for all cases which may involve long-term severance including transfers from regular day school programs
- Observe limitations, conditions and procedures as required by state law.

In its *Model Policy & Rules, Student Suspension and Expulsion Procedures,* the Iowa Dept. of Public Instruction offers the following cautions on the use of suspension:

- Emergency suspensions "may be unnecessary because such situations would be handled primarily by law enforcement agencies and there would be no need for suspension prior to a hearing. Provisions for emergency action are subject to abuse and actions taken under these provisions should be subjected to strict security."
- The "tacking on" of one suspension to another will not likely be viewed in a favorable light by the courts.
- Indefinite suspensions, as imposed by administrators, "are full of pitfalls, legally and ethically." A suggested alternative: allow the student to return to school conditionally.
- Because a long-term suspension is detrimental to a student's future, it may be reasonable and certainly educationally justifiable to require end-of-semester review of suspensions.

Teachers' Views: Responsibilities 'Fuzzy', Rules Not Strict Enough

Teachers and administrators are often just as adamant in protecting the rights of the majority of students to receive an education – *without disruption* – as civil rights and advocacy groups are in protecting the rights of the individual. This, in fact, is often one reason why the two factors, both admittedly working in the best interests of youth, often find themselves occupying different tables in courtrooms.

A recent booklet by the Oregon School Study Council illustrates the point of view of teachers and administrators. In *Discipline and the Educational Rights of the Majority,* the teachers' viewpoints come from a survey of six Portland secondary schools. They said discipline problems were "severe" in their schools. They sorted the problems into two groups: those occurring inside the classroom – "their direct responsibility" – and those occurring in the halls, cafeteria, student lounge and campus. The second group was considered the most serious, with smoking ranked as the top problem.

Pros and Cons

Individuals and organizations have publicly stated every range of opinion on suspension and expulsion.

PROS

- Suspension may be used to point out to the pupil the seriousness of his misconduct, to assist the student in developing self-control, to inform the pupil's parent or guardian of the misconduct and to secure their cooperation in dealing with the problem.
- Suspension is a disciplinary means of controlling unacceptable behavior in the school environment.
- Punishment (in whatever form) immediately terminates undesirable behavior and may reduce the recurrence of that behavior for some time.
- Suspension provides a hiatus during which a youngster may be taught more appropriate conduct.
- Punishments for specific misdeeds is informative for it tells the students what their transgressions have been.
- Punishment is instructive to other students who are unlikely to model censured conduct.
- Suspension is not a punishment. It is a temporary expedient for the purpose of protecting school personnel and property, the student body and the orderly process of the school.
- Other students who are interested in learning should not have to suffer because one or two students are constantly disruptive.
- Suspension is considered not only a necessary tool to maintain proper conduct, but when used as a learning situation for the pupil, a valuable educational device.

CONS

- Suspension and expulsion have not generally been helpful. They have been widely used by schools as weapons to harass, intimidate and punish students.
- Their use is absurd. School administrators use them as a means of getting rid of the students they do not want to handle.
- What is a disciplinary problem and a suspendable offense to one teacher or administrator is considered merely 'a nuisance' to another.
- Suspension is a serious action because the child misses school and the action may appear on his school record, thereby damaging his chances for future employment or acceptance in other schools.
- Expulsion is even more harmful than suspension, as a general rule, due to the formal and possibly permanent nature of the procedure.
- Suspension is based on the myth that it will attract the attention of the parents and get them involved in solving the problem. This myth assumes the student who is suspended comes from a stable middle class home with middle class values and a high regard for education. It assumes that the student has achieved adequate success in school to the point that he and his parents see continued attendance as vital to the student's future.
- Suspension is based on the assertion, 'Well, what else are we going to do with this student? There just aren't any alternatives.' "
- Suspending a student from school for such acts as truancy simply gives him another 'vacation.'
- Suspended students may leave school before successfully completing requirements for graduation and may become involved in illegal or immoral acts.
- Suspension and expulsion are the ultimate form of school discipline and one not to be imposed lightly.

A compounding factor in discipline problems was the teachers' feeling that they had no clear understanding of their discipline responsibilities outside the classroom. "Within a given school," says the report, "teachers reported a wide variety of perceptions as to specific responsibilities for themselves, administrators, aides and special officers." *Such fuzziness, it notes*, "is perhaps responsible for the response by half of the teachers that their school did not have clearly defined policies and procedures for maintaining discipline." On a related topic, the teachers reported that students "come to school but simply neglect to attend class." This, they said, creates problems of how the campus will be supervised and by whom. The teachers also objected to the technicalities of processing papers and keeping records as part of due process regulations.

Unequivocally, the teachers agreed: enough of wasted time and effort on a captive audience of unwilling learners. Their dictum: Set up alternatives for youth who cannot operate within the schools. "The burden of obtaining an education through adapting to the public schools or taking advantage of alternatives would fall on the individual young person."

In response to the question: "If you had the latitude to change schools in a manner that would help protect the rights of students who are serious in their pursuit of education, what would you do?" The teachers opted for tighter organization. They recommended:

√ Greater insistence on conformity to school regulations. They called for a firm but fair approach in spelling out and carrying out the expectations of the school, and for enforcing those rules "thought important enough to enforce" and abolishing the rest.

√ Organization of an aggressive staff inservice program on student management.

√ Restructuring administrative and counseling services to provide greater accessibility to students.

√ Consideration of both lowering and abolishing the compulsory attendance age (Since publication of the report, the Oregon compulsory attendance law has been revised to permit withdrawal from school at age 16 by mutual agreement of student, parent and school.)

√ Establishment of alternative education programs for deviant youth (favored by 75% of the responding teachers).

The teachers pinpointed other reasons for the severe disciplinary problems:

- Lack of consistent and conscientious contact with the schools by social agencies, such as counselors and juvenile homes; the tendency of such agencies to "reflect the capriciousness of the political arena."

- The tendency of the juvenile court system to deal impotently with severe offenders and to "succeed in convincing juveniles that they have certain rights that carry no commensurate responsibilities."

- Lack of training on discipline in teacher-preparation institutions.

- Inadequate inservice training. "While faculty meetings and staff conferences use some time in dealing obliquely with discipline problems through what could best be described as gripe sessions, these discussions are generally examples of reacting to existing problems rather than acting to develop preventive measures."

- Lack of mutually agreed-on philosophy and procedures on discipline among faculty members.

The teachers' view was summed up with this statement: "Until we meet the problem head-on, acknowledge that it is critical to our success and use the same time and effort that we currently devote to curriculum development and salary negotiations, we are turning our head in the hope that the problem will go away."

(NOTE: *Discipline and the Educational Rights of the Majority* is available from the Oregon School Study Council, 124 College of Education, U. of Oregon, Eugene, Ore. 97403; 28 pp; $1.50.)

Chapter 4.

A Look at the States

Educators at the state level are becoming more aware of and involved in how discipline is handled at the local level, according to responses from the 30 states answering a Special Report query. Three reasons account for their interest: 1) recent court decisions, particularly the clarification of minimum due process requirements in *Goss* and the implications for school board members in *Wood;* 2) OCR data collection initiatives; and 3) the new emphasis on student rights.

The tone of state politics and the mandates of state law both help determine how little or how much state departments of education ride herd on school systems. In most states, discipline is and continues to be a matter strictly to be handled at the local level. Some state departments of education, acting alone or in conjunction with their state legislatures, have appointed study commissions on student rights and responsibilities, disruptive students or dropouts. New statewide documents explaining student rights and responsibilities and interpreting federal and state court decisions have emerged. The diversity of state positions is illustrated by the views of spokespersons in two states, Oklahoma and Pennsylvania. "Oklahoma's political philosophy has always been very populistic and as much control as possible is left in the hands of local people," replied Jack Craddock, director of communications for the Oklahoma State Dept. of Education. On the other hand, William Logan of the Pennsylvania Dept. of Education, said it issued a document on student rights and responsibilities for two reasons: to let local educators know legal requirements under Pennsylvania law, and to suggest guidelines for local districts to follow in carrying out the requirements.

At least one-half of the states responding to the Special Report survey have disseminated policies, guidelines or codes on student rights and responsibilities, including specific information on suspension/expulsion and due process requirements. Ohio had such a policy in 1971, as did New Jersey, New York, Oregon and South Dakota in 1972. Large urban school districts like Los Angeles and Philadelphia adopted and distributed policy statements for districtwide use long before their state departments of education did so.

About a dozen states, prompted by new Supreme Court rulings, issued their first documents on student rights and responsibilities in 1975. Task forces in Florida, Louisiana and South Carolina appointed by the governor or the state superintendent have investigated alternatives for disruptive students.

Alaska's new state guidelines require all districts to have a policy on student rights and responsibilities and to review their policies at least once every three years. A Maryland mandate required all local districts to have such a policy as of Jan. 1, 1975. Maine advises its districts that they "must establish definitive policies concerning suspension and expulsion in light of recent court decisions." It states further: "In the absence of duly promulgated regulations regarding suspension and expulsion, school boards are left to decide each case on an individual basis. However, the possibility of fairness in adjudicating individual cases is greater where existing regulations are the basis for action taken." On a practical note, the Maine State Dept. of Educational and Cultural Services advises school board members to know about and to make due process procedures part of their policy manuals because failure to comply could subject them to civil liability.

New Mexico is in the process of revising its procedures for due process. And in Rhode Island, the Board of Regents for Education is currently reviewing guidelines and regulations for the governing, disciplining and exclusion of students. Two additional projects are under way in the state. The department of education is beginning a data collection system on disciplinary practices and it is developing a model to establish the cause of suspensions.

The Iowa Dept. of Public Instruction takes one of the strongest stands on expulsion of any state department. It says in its publication on student rights and responsibilities: "Any expulsion or dismissal should only be made by the schools as a last resort and when all attempts and alternatives to a formal education have been explored and have failed. The exclusion of a student on any other basis would have to be viewed as a failure on the part of the school, not the student."

A Word About Numbers

Few states, in responding to the Special Report survey, indicated that they collect information statewide on suspension and expulsion. Florida and Virginia keep track of both suspensions and expulsions, and Indiana, Pennsylvania and Vermont reported that they require the reporting of expelled students.

The Florida Dept. of Education requests statistics by race and ethnic breakdown; it does not require county boards to indicate reasons for suspensions or expulsions.

Vermont, one of the smallest states in terms of students (105,000 students), requires local school districts to report suspensions. It categorizes suspensions by number of days (1-3, 4-6, 7-9, 10 or more) and by sex of the offender, but does not require school districts to specify the reasons for suspensions.

Following are examples of state laws and guidelines on different aspects of suspension and expulsion, as well as case studies from various states.

WHO MAY SUSPEND OR EXPELL A STUDENT?

In most states, the law allows the principal to suspend a student. Power to expel is usually granted to the board of education, either acting alone or through its administrative officer, the superintendent.

VARIATIONS:

California allows a teacher to suspend a pupil from class for the duration of the day and the next day following. The principal may suspend for no more than five school days; the board may suspend for longer than 10 days and it may expel a student. The board may delegate to superintendents and principals the authority to suspend or expel a student for possession of narcotics.

West Virginia and **Florida** laws specify that a student's bus-riding privileges may be suspended. In West Virginia, the county superintendent or transportation director may suspend a student from riding the school bus and the bus driver is authorized "to handle incidents of a serious nature enroute by applying disciplinary measures such as immediate suspensions." Florida law allows the principal to suspend a student from being transported by school bus for a period of 10 days if the student is guilty of disorderly conduct.

WHY A STUDENT MAY BE SUSPENDED OR EXPELLED?

Some state codes specify in detail and at great length the reasons a student may be suspended or expelled from school (Alaska, California, Colorado, Florida, Indiana, Maine, New Jersey). Others reduce all reasons down to two words: "good cause." Maryland says simply that a student may be suspended or expelled if his behavior is "disruptive and detrimental to the operation of the school." The terms are not defined further; neither are Michigan's phrases that cover all violations: "gross misdemeanor or persistent disobedience." In Pennsylvania, the reasons are "disobedience or misconduct." Indiana covers the grounds for suspension or expulsion by saying they should be used for "gross or repeated infraction of school rules or when the presence of the student will cause substantial interference with the maintenance of the educational environment or the normal operation of the school." Others, like Indiana, stress that infractions of school rules must be "repeated" or "gross" or "continued" or "habitual" before the school systems consider suspension or expulsion as a disciplinary measure.

Some of the reasons that students may be suspended or expelled, as specified in various state codes:

√ Willful disobedience

√ Defiance of school authority

√ Behavior inimical to the welfare, safety or morals of other pupils

√ Conviction of a felony

√ Profanity or vulgarity

√ Assault or battery or abuse of other students, school personnel

√ Threat or force of violence

√ Use or possession of tobacco, alcohol or drugs on school property

√ Stealing, destruction or defacing of school property or personal property

√ Interference with school purpose

√ Engaging in any activity forbidden by the laws of the state or nation

√ Immorality

√ Carrying or use of weapons or dangerous instruments

√ Filthy and vicious habits

√ Incorrigibly bad conduct

One of the few state laws to mention attendance as a cause for suspension or expulsion is found in California. While non-attendance or truancy is generally dealt with under the portion of state law covering compulsory attendance, California law says explicitly: "No pupil shall be suspended or expelled unless the conduct for which he is to be disciplined is related to school activity or school attendance."

Some states specify that students may be suspended or expelled only for acts that take place on school property, at school-sponsored events, on the way to and from school, or immediately before, during or after school. Several states have broadened this concept. Under Indiana law, students may be excluded from school for conduct off school property "where the student's presence in school would constitute an interference with school purposes." Maine tells students in its guide on rights and responsibilities that "you can be suspended for something you have done off as well as on school property if school authorities can prove that such action [suspension] is reasonably necessary for your physical or emotional safety and well being, or for the safety of other members of the school community."

Court decisions have generally upheld the school's authority to control out-of-school conduct which "directly threatens the safety and welfare of students and teachers," says Robert E. Phay in *The Law of Suspension and Expulsion*. One example of the kind of student misdeed off campus resulting in suspension or expulsion and upheld by the courts is the abuse of drugs or alcohol.

HOW LONG FOR SUSPENSIONS OR EXPULSIONS?

Generally, principals may suspend a student for three, five or 10 days under most state laws. In several states, no time periods are specified for the duration of suspension or expulsion. Few states limit the number of days annually a student may be suspended. Following are examples of limitations imposed by states, with exceptions noted:

Three-day suspension limit (for each suspension): Wisconsin, Iowa.

√ **Pennsylvania** allows a "temporary suspension" of three days maximum, and a full suspension of 10 days maximum.

√ **Texas** law specifies that the principal may suspend for three days' maximum. A student also may be suspended for a maximum of one term (nine months) "with the approval of the school board."

√ **West Virginia** law mandates: "Since suspension is a temporary expedient, pending the correction of misconduct, the suspension should be as brief as possible – usually one to three days."

Five-day suspension limit (for each suspension): Indiana, Canal Zone.

√ **Colorado**: principal may suspend for five days; superintendent may suspend for an additional 10 days.

√ **Maryland**: principal may suspend for five days provided that pupil and parent or guardian are given a prompt conference with principal.

√ **New York**: five days' maximum; State Dept. of Education advises districts to consider suspension beyond five days only if student and parent or guardian have an opportunity for a hearing with right of counsel, cross examination and presentation of witnesses and evidence.

Ten-day suspension limit (for each suspension): Florida, Maine, South Carolina.

√ **Wyoming**: administrator may suspend for up to 10 days; board of trustees may suspend for more than 10 days.

Unspecified or indefinite time period for suspension: Mississippi, Utah, Virginia.

√ **Montana**: principal may suspend until board of trustees may consider such suspension.

√ **New Jersey**: no suspension shall be continued longer than the second regular meeting of the board of education, unless the board continues it.

√ **Oklahoma**: All matters regarding suspension at discretion of local board. State law says suspensions can be for the semester in which the offense took place plus one additional semester.

Annual Time Limits on Suspensions:

√ **California**: No student may be suspended for more than 20 days unless he is first transferred to another regular school or a special program (e.g., continuation education). No student may be suspended from an elementary school for more than two consecutive weeks.

√ **South Carolina**: Maximum of 30 days annually.

√ **Wyoming**: "No suspension or expulsion may be for longer than one school year."

WHAT IS REQUIRED?

Parent Conferences and Hearings: Some states specify a certain number of hours or days in which school administrators must notify parents or guardians by phone or by mail of a suspension. The **California** education code says, for example, that the parents or guardians should be asked to attend a meeting with school officials on or before the third consecutive day of suspension. **Florida** law says each suspension must be reported "immediately" in writing to the parent and the superintendent. **Indiana** law requires that the principal send a written statement "within 24 hours or such additional time as is reasonably necessary following a short suspension" to the student's parents describing the student's conduct, misconduct or violation and the reason for the suspension.

In **South Carolina**, the administrator must notify parents or guardians in writing of the reasons for the suspension, at the same time setting a time and a place when he will be available for a conference. The conference must take place within three days of the date of suspension.

Many states specify that a student and his parents or guardians are entitled to a hearing prior to expulsion. Usually, an official request must be made to an administrator, hearing examiner or the board of education upon notification of expulsion. In **Indiana**, the state department of education and state legislature tried to require that a hearing precede every expulsion, but school administrators balked. They said the amount of paperwork involved would be excessive. The legislature amended the requirement under pressure, a state spokesman said. Now a hearing is waived unless parents or guardian requests one.

New Hampshire says any dismissal must be subject to review if the student makes such a request for review prior to the start of the school year. **South Carolina** law stipulates "every expelled pupil shall have the right to petition for readmission for the succeeding school year."

Several states specify that students may remain in class while they are awaiting a hearing on suspension or expulsion unless they are judged to be "a danger to the health, safety, morals or welfare of others." The exact opposite situation occurs in other states. In **South Carolina**, an expulsion hearing must take place within 15 days of written notification of the time and place specified by the board, and a decision must be rendered within 10 days of the hearing. The student may be suspended from school and all school activities during the time of the expulsion procedures.

Appeals: Students generally may appeal decisions on suspensions and expulsion to the local board, to the county and state superintendent, to the state board of education and to the courts. The **New Jersey** Dept. of Education advises students: "You may appeal your case in court without going

State Guidelines Both Helpful and Necessary

The adoption of guidelines at the state level is a difficult and troublesome but necessary pursuit, according to Michigan educator David Lowman. Writing in *Student Behavior: Rights and Responsibilities and the Fair Administration of Discipline* (School of Education, U. of Michigan, Ann Arbor, Mich. 48104), Lowman says: "In December 1970, as a partial response to a spate of disruptive incidents occurring in some Michigan schools, the State Board of Education adopted a resolution that required each local school district in the state to adopt and enact a written code of student conduct. The board's resolution indicated that these locally adopted codes of conduct should concern themselves in part with the provision of procedural due process safeguards."

Although the local codes were to be adopted by April 1, 1971, Lowman said, the state board provided no instruction as to how they were to be done and the board did not define what it considered due process to be, how much was necessary or how it was to be provided. After three years, 25 drafts and review by at least seven major education groups in the state, the state attorney general and the state board, a "Recommended Guide to Student Rights and Responsibilities" was finally adopted in 1974. Lowman made several points that may help other states as they attempt to adopt policies and guidelines: documents must be reviewed and perhaps revised frequently to keep up with changing school law; and an advocacy role for the state department of education and its staff is not feasible. Lowman concluded: "The mere existence of Michigan's document, written largely from a factual, nonadvocate point of view, will do as much or more for the furtherance of student rights and responsibilities as anything done in the state before."

through the administrative procedures (appeal to superintendent, board, the commissioner and state board of education), but the court may require you to first exhaust those channels within the local and state school systems."

SPECIAL PROVISIONS

Among the states specifying that a student must continue to receive an education – even when expelled – are **Pennsylvania**, **New York**, and **Virginia**. **New York** law says: "When a board seeks to exclude a student under the compulsory attendance age, it is required to provide alternative instruction for the child."

Wisconsin law mentions two rights that are overlooked in many state statutes. It says that in cases where a student has been suspended unfairly or unjustly, as determined in a conference, "the student is entitled to have reference to the suspension expunged from his record." Secondly, a student may not be denied the right to take examinations missed during a suspension.

Case Study: Louisiana

In Louisiana, the magnitude of discipline problems in the schools prompted the legislature and former State Supt. Louis J. Michot to undertake a joint investigation of disciplinary practices in the state's 66 parish and city districts. The task force continued its work for two years.

As part of its initial findings, the task force reported that more than half of 63 Louisiana school systems responding to a query did not have a definite policy on suspension and expulsion. Moreover, state law on discipline, suspension and expulsion had remained untouched since 1950. The task force found that even school systems with a detailed policy showed an excessive number of suspensions. One significant finding of the task force: those school systems which disseminated to all parents and pupils the specific procedure to be followed regarding suspension had experienced a marked reduction in the percentage of suspensions.

Based on two years' work of gathering and analyzing data and conducting interviews, the task force concluded:

- The major reasons cited for student suspensions were fighting, disrespect and disobedience to school personnel, cutting class and leaving school without permission.
- The main reason for expulsions was Louisiana's "fourth suspension" rule – any student who has been suspended three times during the school year is expelled on the fourth offense.
- The suspension rate was highest in the urban areas of the state.
- Black students were suspended in greater proportion than white students.
- A majority of the school systems did not provide a hearing for a student before suspending him. Where hearings were held, they were in the form of an informal conference.
- A majority of the school systems used "indefinite suspension" at the senior high school level, and to a lesser extent, in lower grades.

The task force's recommendations to help solve the problem included the following:

1. The establishment of a reporting system for suspension and expulsion data at the state level.
2. The development of a state handbook on student rights and responsibilities, detailing guidelines for suspension and expulsion.
3. Direct funding of support personnel such as counselors and social workers to assure their availability to youth on a basis other than chance.
4. A redefining of the concept of suspension to assure assistance to youth, as contrasted to a punitive attitude. "Consideration should be given to on-campus alternative programming for suspended students in lieu of exclusion from the school environment," especially when the offense is truancy or tardiness.
5. Greater use of the courts in assuring school attendance and greater involvement of the courts and other agencies in assisting local school systems.
6. Appropriation of $5 million for pilot alternative programs aimed at the reduction of student suspensions.

7. Authorization and funding for a division of youth services to survey and bring together state agencies engaged in providing services to youth.

A due process clause developed for use by Louisiana schools by the task force was initially rejected by the legislature. However, such a clause was added to Louisiana law in July 1975. At the same time the legislature enacted a statute making school boards responsible for legal costs in any suits brought against teachers, principals or administrators for their actions in directing or disciplining school children. Significantly, the legislature also passed and the governor signed an amendment calling on local boards to provide alternative education programs to students suspended or expelled from school. The legislation contains a proviso, however, that the act "will not become operative unless and until it is fully funded by state or federal funds." The legislature let die a bill calling for a $5 million appropriation for alternative programs.

At the time this report was written in mid-1976, the legislature had not revised the "fourth suspension" rule. A "Special Student Concerns" project – one of three in the nation chosen for federal funding – is under way in Louisiana. The project, under the direction of the Louisiana State Dept. of Education, earmarked $50,000 for the funding of alternative projects in local educational systems. Model handbooks will be published by the project for distribution to the state's school systems. A uniform procedure for reporting disciplinary actions has been developed by the education department. This four-year effort by the legislative task force resulted in some possible solutions to Louisiana's disciplinary problems.

Indiana: Expulsion Procedures

Indiana law specifies a detailed procedure that must be followed by its school corporations (school districts) in expelling or excluding a student. The law, passed in 1972, was one of the first in the nation. It is included as part of a statute on pupil discipline. "Prior to that time, there was no common statewide definition or understanding of suspension and expulsion and due process requirements," said Joseph E. Blankenbeker, the state attendance officer.

The list of offenses for which a student may be expelled is long and detailed. They include "conduct that constitutes an interference with school purpose," damage to school or private property, threats or physical injury, possession, handling or transmission of a weapon, or drug related offenses.

Following is an extract of the due process procedures pertaining to expulsion and suspension:

√ The principal must file a written charge with the superintendent.

√ The superintendent must appoint a hearing examiner at least one school day following the filing of the charge, if an investigation is desirable. The hearing examiner may be any person on the school corporation's administrative staff or its counsel provided that such person has not brought the charges against the student, will not be a witness at the hearing and has no involvement in the charge. The superintendent may designate himself as hearing examiner.

√ The hearing examiner must, within two to four days following his appointment, notify the student and his parent or guardian of the right to a hearing. The notice must include a statement of the rule or standard violated, a summary of the evidence to be presented against the student, the penalty, a description of the hearing procedures, a statement that the student, his parents or other representatives have a right to examine the student's academic and disciplinary records and any affidavits concerning the alleged misconduct to be used at the hearing. They must also be informed of the identity of any witnesses to appear against the student (except where identification might lead to harassment).

√ If the student or his parent or guardian desires a hearing, the hearing examiner must be notified in writing within 10 days.

√ The student may be suspended by the principal pending a hearing for up to five days, and an extension of the suspension may be made by the hearing examiner. The student and his parent or guardian have a right to try to persuade the principal or hearing examiner to return the youth to school pending a hearing.

√ If a hearing is requested, the hearing examiner must notify the student, his parent or guardian within two to four days of the time and place of the hearing.

√ If a hearing is not requested within 10 days following the notice to student and parent or guardian, all rights to contest and appeal the punishment are waived.

√ If a hearing is not requested, the punishment goes into effect on the fifth school day following receipt of the statement to the student and his parent or guardian. If a hearing is requested following the fifth school day, such automatic punishment shall immediately be rescinded and authority to recommend and to impose any interim suspension beyond the principal's authority transfers to the hearing examiner.

√ The proceedings of the hearing must be recorded, either by shorthand reporter or tape, or they may be summarized by the hearing examiner. The student may demand a recording of the hearing in full. Such recording must be paid for by the school if the student is reasonably unable to pay.

√ A school corporation may appoint a hearing committee in addition to a hearing examiner. The committee, comprised of teachers, parents or students, may be given the duty of finding fact and making a recommendation to the superintendent. If a committee is not appointed, the duties of fact finding and making a recommendation remain with the hearing examiner.

√ The hearing may be attended by the hearing examiner, the hearing committee, if any, the superintendent, the principal, the student, the parent and the student's representative (who may or may not be an attorney) and counsel for the school corporation. Witnesses may be present only when giving information. The student may be excluded at the discretion of the hearing examiner and with the concurrence of his parent at times when his psychological or emotional problems are being discussed.

√ The student may speak in his own defense and may be questioned on his testimony or he may choose not to testify.

√ The principal may present to the hearing examiner statements in affidavit form of any person having information about the student's conduct and records, "but not unless such statements and reports have been made available to the student, his parent or representative prior to the hearing."

√ The hearing examiner "shall not be bound by the rules of evidence or any other courtroom procedure."

√ The student, his parent or representative, the principal or the hearing examiner may ask witnesses to testify, under oath. All have a right to cross-examine any witnesses.

√ Any person giving evidence by affidavit or in person shall be given the same immunity from liability to the student, parent or other persons as a person testifying in a court case.

√ When more than one student acted in concert and is charged with violating the same rule and where the facts are substantially the same for all students, a single hearing may be conducted so long as a single hearing is not likely to result in confusion and no student will have his interests substantially prejudiced by a single hearing.

√ The superintendent may change or revoke the sanction recommended by the hearing examiner. He may not impose a more severe sanction than recommended by the examiner.

√ The findings and recommendation of the examiner (or committee) must be mailed to the student and his parent or guardian.

√ Following the decision, the student may appeal the superintendent's decision by filing within 30 days a written request with the superintendent's office or with the school board. The board has the option of reopening the hearing or providing for an additional administrative appeal by a member of the administrative staff. The final action of the board must be personally delivered or mailed by certified mail to the student and his parent or guardian.

√ The student may appeal the board's determination within 30 days to the circuit or superior court in the county.

√ The penalty (expulsion or exclusion) applies during the various states of appeal unless a stay is granted.

No expulsion or exclusion of a student may be for longer than the remainder of the school year in which it took effect, the Indiana law says. And, in the event a student is less than 16 years old, any expulsion or exclusion taking effect more than three weeks prior to the beginning of the second semester must be reviewed at the beginning of the second semester. This review, which shall be limited to new evidence, "may lead to a recommendation that the student be reinstated for the second semester," according to Indiana law.

Pennsylvania: Laws, Advice

The Pennsylvania Dept. of Education issued its first official two-part statement on student rights and responsibilities in 1974. One part details regulations that must be followed by the state's 292 school districts. The second gives guidelines on student rights and responsibilities. Whether they are adhered to or not is at the discretion of local districts.

The regulations on suspension and expulsion forced local school districts to reexamine how they use these two disciplinary practices. "Fast breaking legal developments led to some inconsistencies in local policies, causing knotty problems for administrators," said William Logan of the Pennsylvania Dept. of Education. The state policy changed all that. In fact, Logan said in an interview with *Pennsylvania Education,* "some administrators who originally were upset about the extra administrative time taken up by the due process procedure later confided that it could eliminate a lot of problems in the long run."

The regulations were expected to have wide impact on school districts due to requirements that students be allowed to make up work missed while on suspension and that districts provide an educational program for students who have been expelled. "These regulations will make schools think twice before turning a kid out of school," Logan noted. "By making it more difficult to get rid of a student, the regulations are bound to stimulate the creation of in-school alternative programs. The chronic troublemakers can be prevented from disrupting regular classes, yet they won't just be out on some street corner," he said. [**Note**: Pennsylvania state law spells out two reasons for suspension and expulsion: disobedience or misconduct.]

The most resistance to the policy came from rural districts, Logan said. A typical response from such a district was: "A document like this may be okay for Philadelphia or Pittsburgh, but we don't need it." Logan said he replied to such complaints by reminding the districts that "basic constitutional rights are as important for students in a small farm town as they are in the heart of the city."

Telling Students What It All Means

A student advisory board, which worked with the department of education over a two-year period in spelling out student rights and responsibilities provides Pennsylvania students the following information. After detailed description of the state's requirements on suspension and expulsion, the advisory board statement concludes with this advice:

> The school administration has the legal authority to remove students from school, but as with corporal punishment, certain procedures must be followed.
>
> There are three ways you can be excluded from classes — temporary suspension, which can only last up to three days; full suspension, which can last a maximum of 10 days; and expulsion, which can range anywhere from 11 days to permanent removal from the school rolls.
>
> The school principal can order a *temporary* suspension without a hearing. But before the suspension becomes effective, students must be fully informed of the reason for the suspension and given the chance to answer the charges.
>
> Anyone facing a *full* suspension is entitled to an informal hearing before the school principal. The process leading to a full suspension includes a number of requirements to insure due process — that element in our judicial system which guarantees accused persons the right to defend themselves and be fairly judged.
>
> Among the rights guaranteed in full suspensions are written notice of the reasons for the suspension, sufficient prior notice of the time and place of the informal hearing, and the chance to cross-examine witnesses, speak in your own defense and produce supporting witnesses.

No Harvard Degree Required

Teachers sometimes have to take it on the chin for what they do or do not do about discipline. Take a small Kansas district for example. Its official discipline policy states:

> Teachers must be corrective and anticipatory before the fact instead of always after the incident. It doesn't take a degree from Harvard to identify an infraction after it has happened. It does take some thought and action to prevent what might happen or reduce its consequences. Let's continue to be positive and build people up – not tear them down.

Expulsions require a formal hearing before the school board or a board committee. Because of an expulsion's impact on your right to an education, the guarantees of due process are similar to those in a regular court hearing. In addition to the rights granted in full suspension, the guarantees in expulsion proceedings include the right to be represented by legal counsel, to obtain the names and written statements of witnesses and to demand that those witnesses appear in person. A record must be kept of the hearing, and you may obtain, at your own expense, copies of the record transcripts.

There are also a number of important protections that apply to suspensions and expulsions in general.

The school board must define and publish the types of offenses that can lead to exclusion from school. No combination of temporary or full suspensions can last longer than 10 days – the limit of one full suspension. And unless you are judged to be a danger to the health, safety, morals or welfare of others, you must be allowed to remain in class until the suspension or expulsion officially begins. The decision to bar a student from classes prior to the suspension or expulsion must be made in an informal hearing, and the school must provide instruction during the time you are out.

This requirement also extends to the full period of expulsions. Students under 17 are still subject to the compulsory attendance law – even when expelled. So schools have the responsibility to make sure that, one way or another, an expelled student's education continues. If the student can't go to another public or private school, the district must either provide home instruction, readmit the student or come up with some other plan.

And now, another word about responsibilities. Schools are not in business to throw people out. Suspensions and expulsions can be a long and difficult process for everyone involved – especially students. Schools don't demand super marks and they don't expect perfect behavior. But they do demand that you not disrupt the learning process. Accept that responsibility, and chances are you will never put yourself through the aggravation of being thrown out of school.

Chapter 5.

Local Policies: What They Are, How They Work

Local school policies on disciplinary procedures must reflect state law and constitutional limits. However, school boards, administrators and teachers are responsible for the interpretation and implementation of local policy. Considerable variance can be expected and does in fact occur from district to district and even from school to school. In some districts, the board allows each building principal and his staff to come up with a plan for disciplining students, subject to the approval of the board, superintendent and district counsel.

As illustrated in the following chapters, schools and school districts use a wide variety of programs and practices as alternatives to suspension and expulsion. Or they may depend solely on suspension and expulsion for dealing with students who disrupt the educational process.

Local district policies outlining student rights and responsibilities and procedures for suspension and expulsion vary in length from several pages to several hundred pages. Some districts offer clear and precise definitions for the often vague reasons given in state laws for suspension or expulsion. Some district policies enumerate the steps to be followed in breaches of discipline, to make sure that teachers and administrators use every possible disciplinary procedure at their disposal before resorting to suspension and expulsion and to ensure due process for the student.

This chapter gives examples of specific parts of school disciplinary codes and how they are carried out. It is not comprehensive, but it does illustrate that various districts are trying to implement policies and practices that are fair to individual students who violate school rules as well as to the majority of students who abide by them.

Prince George's Co., Md.: Specific Offenses, Disciplinary Alternatives

The Prince George's County (Md.) Code of Student Conduct cites two types of conduct disruptive to a good learning environment: "gross misconduct" and "persistent disobedience."

Specifically, *gross misconduct* is defined as "willful and malicious acts which seriously disrupt the educational environment." Such acts include: possession or use of alcoholic beverages; arson; false alarms; possession of fireworks or explosives; inciting others to violence or disruption; physical attack or threat of physical attack; possession or use of weapons; shakedown or strong arm tactics; possession, use or distribution of a controlled dangerous substance; vandalism or destruction of property; fighting, and theft.

Persistent disobedience, the district code notes, "embraces acts which also have a disruptive effect, especially when they are repeated over a period of time." Such acts include: continued class disruption; disrespect; distribution of unauthorized printed material; false reports; forgery; gambling; insubordination; loitering; smoking; and unauthorized sale or distribution of any object or substance.

Prince George's recognizes both informal and formal disciplinary actions for student disrupters. It advises teachers and administrators to use a variety of *informal* disciplinary/guidance steps before taking formal disciplinary action (suspension and expulsion). These include:

- Teacher-student conference
- Teacher-parent conference or contact
- Counselor-student conference
- Counselor-parent conference or contact
- Administrator-student conference
- Administrator-student-teacher conference
- Administrator-parent conference or contact
- Administrator-student-parent conference
- Student program adjustment
- Referral to pupil services

Two additional strategies are recommended by the district code as alternatives to suspension or as a follow-up to suspension. They are detention hall and behavioral probation. Each school is allowed to specify the types of misconduct for which students may be assigned to detention hall. A 10-day maximum assignment to detention hall is imposed for any one infraction. Students may be placed on behavioral probation in addition to or in place of suspension, the code specifies. Students on probation may be denied participation in extracurricular activities and required to report frequently to a specified staff monitor.

In cases where students must be denied participation in education, four options are available. They are:

1. **Temporary removal from class**: If a student is persistently disobedient or seriously disrupts class, a teacher may suspend a student from a particular class for up to three days. The student attends school and reports to all other classes.

2. **Short-term suspension**: A school principal may exclude a student from school for up to five school days for persistent disobedience or gross misconduct.

3. **Long-term suspension**: A school principal may suspend a student and request the superintendent's approval for extension of the suspension beyond five days. The problem is investigated by a representative of the superintendent who schedules a conference with the student, parent and principal. If a long-term suspension is deemed appropriate, it may not exceed the balance of the school year.

4. **Expulsion**: The superintendent decides if expulsion is warranted, following an investigation. Expulsion denies the student attendance in any and all programs of the school system "indefinitely."

Parents may request *review* of a *short-term suspension* by sending a written request to the director of pupil services within 10 days of the suspension. They may *appeal* a *long-term suspension* within 10 days to the director of pupil services. He serves as the chairman of the suspension appeal committee. Decisions may be further appealed to the superintendent and the board of education. *Long-term suspensions* must be *reviewed* at least once every 20 school days beyond the first 10 school days. *Expulsion* may be appealed directly to the board of education.

Seattle: Interim Suspensions

The Seattle (Wash.) Public Schools impose an "interim suspension" in cases where a student is "reasonably believed to be an immediate and continuing danger to himself, other students, teachers, school administrators or the educational process of the student's school." The district's statement of student rights and responsibilities says immediate suspension can be ordered by the district superintendent or his designee.

The policy states further that the student, parent or guardian has the right to request an immediate hearing before the proper school authority. It must be held within three school days of the request. In no case can an interim suspension last longer than 10 days. By then, the student must be reinstated or given a fair hearing.

District administrators must follow the same procedures in hearings for interim suspensions as they do for regular suspensions and expulsions. The procedures are as follows:

- Written notice of charges against a student and recommended sanctions shall be supplied to the student and his parent or guardian.

- The parent or guardian shall be present at the hearing.

- The student, parent or guardian may be represented by legal counsel.

- The student shall be permitted to inspect in advance of such hearing any affidavits or exhibits which school authorities intend to submit at the hearing.

- The student shall be given an opportunity to present his version of the charges and to make such showing by way of affidavits, exhibits and such witnesses as desired.

- The student shall be allowed to observe all evidence offered against him. In addition he shall be allowed to question any witness.

- The hearing shall be conducted by an impartial hearing authority who shall make a determination solely upon the evidence presented at the hearing.

SUSPENSIONS AND EXPULSIONS

CURRENT TRENDS in School Policies & Programs

The Communications Angle

Poor communication between students, teachers, school personnel, parents and the community result in unclear expectations and misunderstandings in dealing with discipline problems, says the Maryland State Dept. of Education's Task Force on Educational Programs for Disruptive Youth. Cosponsored by the Maryland Assn. of Secondary School Principals, the task force report says that human relations and interpersonal training are needed as part of the solution for school disruptions. The general problem can be divided into four parts: poor communication; intergroup conflict; intercultural conflict; and prejudicial behavior.

The task force has made available four general model programs to improve communication and reduce the incidence of conflict in the schools. Major activities that need to be provided, according to the report, are workshops and inservice training sessions for all school personnel. The task force report stated that research studies indicate there is a high positive correlation between improved human relations techniques and school/work performance.

- Either a tape-recorded or verbatim record shall be made of the hearing by the school district.
- The hearing authority shall state within a reasonable time after the hearing the findings as to whether or not the student charged is guilty of the conduct charged and the decision, if any, as to disciplinary action.
- The findings of the hearing authority shall be put in writing and sent to the student and his parent or guardian.

The policy notes further that appeals to the board of directors by the student and a parent or guardian must be made within five school days following the day of the hearing. If an appeal is not made, the sanction decided on takes effect at the end of the five-day appeal period. If an appeal is requested, the sanction is stayed until the appeal is decided. In the case of interim suspension, however, the sanction is stayed with or without an appeal to the board of directors unless the school authority hearing the case finds that the pupil continues to present an immediate and continuing danger.

Los Angeles: Due Process for Expelled Students

The Los Angeles (Calif.) Unified School District has a detailed expulsion procedure intended to protect student rights to the fullest. As in most large urban school districts, principals cannot expel a student, but they can recommend expulsion to the area superintendent.

The area superintendent or one of the administrative staff members belongs to an Expulsion Review Committee, along with the coordinator of counseling and psychological services (or designee) and the director of the area's school-juvenile court branch (or designee). The committee holds an informal conference or hearing to gather facts, make students and their parents or guardians aware of charges and possible consequences, and to recommend or reject expulsion.

All oral and written information must be reviewed by the three-member committee. Psychological data on the pupil, if any, are pulled from student files for reference and use in the hearing. The hearing is scheduled by the juvenile court relations staff, and parents must be informed of the date and specifics of the incident, clearly stated; the date, place and time of the hearing as well as their right to counsel and to present evidence; and the district's rules on discipline. The notice must be sent by certified mail 10 days before the hearing. If the parents or guardians cannot attend the scheduled hearing, it may be rescheduled within 10 days. The hearing may proceed if parents or guardians refuse to attend or cannot be notified.

The committee is required to report its finding of fact and recommendation to the board of education's personnel and school committee, a three-member subcommittee of the full board. The recommendation is sent to parents by certified mail. They are advised that they may appeal the decision by appearing before the board's subcommittee when it considers the committee's recommendation. A further appeal can be made to the entire board, which finally approves or rejects expulsion. California law states that expulsions may also be appealed to the county superintendent.

Aldo Accornero, the director of Los Angeles' School Juvenile Court Relations, notes that if expulsion charges can be proven but expulsion is not recommended, the committee may recommend instead that the student be transferred to another school. If the charges cannot be proved, the student returns to his home school. Accornero says the average amount of time from the principal's recommendation of expulsion to the end of the review process runs five to six weeks. Students may be suspended while they are awaiting the decision or they may be placed in the Tri-C program (See page 39.)

Students may be expelled in Los Angeles when they have committed a serious offense such as assault, carrying or using a weapon or selling drugs. Several years ago, the board of education became alarmed about increasing incidents of violence and adopted a hard line policy. Previously, the district recorded less than 100 expulsions a year. Between 1973 and 1975, the number of actual expulsions climbed from 250 to 300 annually. In 1974-75, principals made 520 referrals for expulsion. Of those, 77 were withdrawn by the principals, 176 were withdrawn by the expulsion review committee and 262 students were finally expelled. Most expelled youngsters are out of school for one semester; those who draw a one-year expulsion do so because of a very serious offense. Often, says Accornero, these youngsters are sent to youth camps or are in legal custody.

Under California law, the school board may suspend enforcement of expulsion to enable the student to enter a rehabilitative program. If the student shows he can adjust to the program, the board may reinstate him. If the student is not reinstated, he may still apply for re-enrollment in school at the end of the expulsion period. Los Angeles' rehabilitative program, the Tri-C (Community Centered Classroom), is proving to be a highly effective approach for expelled students. "It's the best we've got," says Accornero.

Oakridge, Tenn.: Discipline Policy For Elementary Students

Authorities often stress the importance of involving parents in the solution of any school problems in the child's earliest school years. Some authorities say also that infractions of school rules must be noted and dealt with early – before students reach junior-high age, the most critical years in terms of suspension. These two points are central to the discipline policy of the Linden Elementary School in Oak Ridge, Tenn. The school enrolls 920 students, ages 5-12.

The discipline policy requires that staff members keep records of each time a child is involved in fighting, disruptive behavior or deliberate disrespect for staff members or students, and for leaving assigned areas without permission. All information is recorded on a one-sheet "behavior record" maintained for each child. Staff members are advised that they are to record only the behaviors they have observed or can verify. Substitute teachers and aides report misbehaviors to appropriate staff members; they may not record the misbehavior on student records. The policy advises: "The behavior record is for staff members' use and will be destroyed at the end of each school year."

The policy lists the steps to be followed each time a misbehavior is recorded, as follows:

Criteria for Determining 'Clear and Present Danger'

The Mesa (Ariz.) Public Schools gives its administrators and other school personnel guidance as to what constitutes "clear and present danger." In other words, it tells the administrators when a student may be temporarily suspended from school without the immediate benefit of a due process hearing.

Mesa guidelines say suspension can be effected immediately "if the presence of the accused at school is dangerous to other persons or property, or if such presence on campus is believed to have a destructive influence on the normal operation of the school program." The administrator is advised to make a decision based on the student's past record; the nature of the present act and the degree of its severity; and the severity of previous acts noted in the student's disciplinary record.

- **First offense**: A conference takes place between the child and the teacher. The offense is entered on the record as a first offense.

- **Second offense**: A conference takes place between the child and the teacher; parents are notified by phone.

- **Third offense**: A three-way conference between student, parent and teacher is held to discuss the offense, make a plan, and inform the participants of future actions for subsequent offenses. The principal is advised prior to the conference.

- **Fourth offense**: The principal is advised of the child's offense; the parent is called; and the child is sent home until the next day, provided the student can be dismissed to the care of the parents.

- **A planning conference**, is held on the day the child returns to school. It includes teacher, parent, student and administrator.

- **Five-day conference**: The teacher confers with the child to evaluate progress five days after return to school. The conference is entered on the child's behavior record; otherwise, the slate is clean.

- **Appeal procedure**: The student may present his/her version of an incident to the principal or vice-principal if he/she disagrees with the teacher's story. The appeal may be carried to the central office staff.

- **Sixty-day policy**: After 60 days, if no further offenses are recorded, the most recent offense is removed from the child's record. "This procedure," says the policy, "will serve as an incentive to the child to improve his/her behavior."

Chapter 6.

Alternative Schools and Programs

"Alternative schools or programs" is the approach suggested most often for dealing with students who disrupt the education process. This usually means a complete education program and often one that operates in separate quarters with a separate staff and with rules, curriculum and scheduling adjusted to meet the individual needs of students.

Administrators interested in starting an alternative program should become thoroughly familiar with existing models and their requirements. The South Carolina State Dept. of Education says, in *Alternatives to School Disciplinary and Suspension Problems,* that alternatives should provide "a positive approach in changing behavior rather than a negative approach of punishment." The booklet recommends several different alternatives be available to students who have misbehaved. Alternatives should give students an opportunity to return to the regular school program, it says.

The Grand Rapids (Mich.) Public School district offers more than one type of alternative for students. Grand Rapids enrolled 725 students, ages 10-18, in full-time alternative schools during 1975-76. Another 75 students were enrolled in a school other than their neighborhood school because of adjustment problems. And the school district's part-time programs reduced the likelihood of suspension for approximately 1,200 high school students, according to district spokesman R. J. Stark.

Grand Rapids' alternatives work, Stark says, because:

1. They avoid the presumption that the entire burden of adjustment is the student's. In other words, the school must take part of the blame for the student's adjustment problems.

2. They create a receptive climate for staff to respond to student need.

3. They have the support and commitment of the superintendent and other key administrators.

4. Students may elect to enroll in an alternative either before or following a disciplinary infraction. (Parental permission is required.)

5. All suspension actions are reviewed by administrators.

6. Students and parents in Grand Rapids "are persistent in the exercise of their rights."

There are ample warnings about the pitfalls in alternatives.

Alternatives can suffer irreparable harm from the problem of bigness, says Hayes Mizell, director of the South Carolina Community Relations Program of the American Friends Service Committee. An advocate of mini-alternatives for meeting specific student needs, Mizell warns that sheer size will mute the purpose and dilute the effectiveness of alternative programs. And, he says, large programs may do a disservice to some students and to the district as a whole.

To illustrate his point, Mizell described an alternative school originally intended to give students a "second chance." Students were referred to the school only after they had gone through a disciplinary hearing process. Referral to the school took the place of long-term suspension or expulsion. But Mizell noted that more and more students were assigned to the school because "too many administrators in the district's regular schools viewed the alternative school as a depository for difficult or disruptive students they could not cope with." Students were assigned to the school for such offenses as consistently cutting class, tardiness and truancy. "There is some question as to how difficult or disruptive students referred for these reasons really are," he says. Students' due process rights were casually observed and, as enrollment swelled, the alternative school's mission became muddied.

Alternative programs should be judged by their effectiveness. Mizell suggests alternative programs and techniques should be judged by whether they reduce suspensions, meet the educational and discipline needs of students, aid the student in making genuine academic progress and developing greater self-discipline and protect and respect students' dignity, privacy, freedom of expression and other civil liberties.

One of the direst warnings on alternative programs comes from Richard Johnson of the National College of Education, Chicago. He told members of the National School Boards Assn. they should be wary of the long-range implications for education and society of alternative schools which are based on negative behavior as a major criterion for enrollment. "Rather than establishing homogeneous detention centers for students with behavior problems, defining and meeting the legitimate needs and interests of all students through community school cooperative programs would better serve the aims of education in contemporary society," Johnson said.

WHAT SOME SCHOOL DISTRICTS ARE USING INSTEAD

Tri-C: An Alternative

Los Angeles' alternative for suspended and expelled students was started in 1975 in the seven central-city locations with the highest number of expulsions; three more centers were added during 1975-76. Each Tri-C center serves 10 students, and is staffed by one teacher and two aides. The teachers are volunteers on leave from their regular jobs. "The reason the program is so successful is due to the tremendous motivation of these people," says Donald J. Richardson, director of Los Angeles' Educational Options Services Branch.

The recidivism rate for the program is less than 25%, Richardson notes. A follow-up of 82 students at the end of the program's first semester showed, moreover, that nearly two-thirds of the students were involved in productive activities (regular or continuation school, employment, or the armed forces).

Almost half of the students in Tri-C during 1975-76 were involved in aggressive behavior against school personnel or another individual. The largest group of students served by the program in 1975-76 were tenth graders.

The program uses a three-stage process to prepare pupils for reentry into other educational or employment settings:

1. **Adjustment in Tri-C**: The emphasis is on individualized instruction in basic skills, group instruction on social and physical environment, field trips, role playing, self-expressive projects, improving students' self-concept, developing interpersonal skills, increasing their knowledge of and ability to cope with their environment and developing personal responsibility for their behavior.

2. **Preparation for Reentry**: Students assess their personal strengths and weaknesses and develop survival mechanisms and plans for the future. They become involved with parents, probation officers and community agencies. They are counseled in career planning and selecting appropriate educational alternatives.

3. **Return to Regular School**: Tri-C maintains contact with students upon return to a regular school. Some students attend part-time in the regular school and part-time in Tri-C. The program works closely with community agencies that can provide services and jobs to students. In addition, Tri-C students take on many projects, including: mural painting, the Tri-C newspaper, talent shows, an open house for probation officers, mock courtroom trials, golf lessons, bowling and basketball, film projects.

Richardson points out that the program provides the four components apparently necessary to serve the kind of inner-city students in Tri-C: an opportunity to earn money; an educational component that concentrates heavily on basic skills; a strong counseling program; and a meaningful recreational program.

In an evaluation of the program, Richardson says: "Tri-C appears to be successful as a rehabilitative program for seriously troubled young people. It *cannot* serve all the academic needs of all students; it *can* serve to provide the personalized support, counseling, instruction and information which will enable a young person to improve his self-concept, develop positive coping mechanisms and become a productive member of society."

The program is costly: about $5,000 per student annually, compared with a $1,250 per-pupil expenditure in the regular school. But Richardson says the cost must also be compared with what it costs for a youngster on probation ($11,000 per year), in juvenile hall ($15,000 per year), in county camp

($16,000 per year) or in a maximum security institution for girls ($22,000 per year).

One unfortunate thing about the program, he says, is that it can serve only 100 to 150 youngsters per year. (By comparison 262 students were expelled and in need of such a program during 1974-75.)

Opportunity Hall: An Alternative That Teaches Responsibility

The Mesa (Ariz.) Public Schools offer an alternative program for dropouts, truants or kickouts – students who have not been able to make it in the regular school system. Some of the students have been suspended or expelled from other district schools for disciplinary reasons. The program, known as Opportunity Hall, "is one of the most successful programs we have in Mesa," says Joanie L. Flatt, director of community relations.

Opportunity Hall, which began long before the courts influenced schools to look for alternatives to harsh discipline, evolved from a one-room, one-teacher detention hall to "a many faceted, nonpunitive and radically different kind of school," says its director, Byron E. McKinnon. It has the strong elements of differentiated staffing, team teaching, cooperative education and continuation education.

The school strives to strike a balance between the affective and the cognitive domains. "If we fail to teach a student to read, he will flunk school, but if we fail to teach him to read himself, he may flunk life," McKinnon says. The primary concern of the program is to take students where they are and provide them with programs that will help them succeed. A wide variety of approaches are used, including independent study, community college classes, work study, night programs for parents and even the study of martial arts.

The core of the program at Opportunity Hall is the daily problem-solving circle. All participants in an instructional unit (i.e., 12 to 20 students, the teacher and teacher aide) sit in a circle to examine what has happened during the day. The process is similar to that used by an encounter group, with the teacher and the aide acting as co-facilitators and the students free to express themselves. The idea behind the sessions, McKinnon explains, is to make students aware of their attitudes and what they need to do to work through their difficulties. The final goal is to enable students to accept responsibility for their behavior, with regard to themselves and others.

Another essential part of Opportunity Hall is a five-phase promotional system, a form of behavior modification. Phase I is the entry level for all students referred to Opportunity Hall. In effect, the students in Phase I are without privileges. They earn privileges while learning responsibility. A student must attain 100% of the 10 possible points that can be earned on each of three consecutive days in order to advance to Phase II. Points are awarded daily, according to a set standard:

1 point if student attends class that day
1 point if student is on time for school
2 points if student earns 9 out of 10 points on his academic contract that day
2 points if student treats others with respect throughout the day
1 point if language is acceptable throughout the day
1 point if student actively participates in physical education
1 point if student leaves his work area clean for the day
1 point if student handles free-time, breaks, lunch, acceptably

In Phase II, which lasts for two weeks, the student must receive 90% of the possible 10 points given each day, or a total of 90 points during a two-week cycle. Points are awarded on the same basis as in Phase I. Successful completion of Phase II entitles the student to lunch breaks and freedom to leave his desk for a 15-minute daily period.

Phases III and IV, each lasting eight weeks, require the student to receive 85% of the possible 10 points awarded each day. In Phase IV, the student's reward is freedom to choose part of his daily routine. At this level, also, students act as assistant instructional aides, working with other students. Students must attend three night circles per week (five hours total) and participate in an exercise called "remembering." In the sessions, students confront experiences from the past by recalling and reliving them, with a staff member and staff observers. "We try to make such incidents assume their proper perspective in the student's present life," McKinnon says.

Phase V of the program is being developed. It will offer choice and freedom of experience for students who elect to stay at Opportunity Hall for a longer period of time rather than returning to their regular school. Students are told when they enter the program that the length of their stay will depend on how fast they are able to solve their

Check Legal Implications of Alternatives

The practices of many alternatives established to deal with disruptive students or potential dropouts may be on shaky legal ground, according to a recent report in *Law & Behavior* magazine. At the request of a school district with an excellent dropout prevention program, the Project on Law and Behavior staff evaluated the program from a legal standpoint and identified the following potential problem areas:

√ The selection process should be documented. Admission criteria often include subjective judgments about achievement below ability level and excessive disciplinary problems. Interviews with teachers and counselors which lead to a student's referral need to be recorded.

√ Parents should have an opportunity to challenge placement. Such a change of status should require a formal and written procedure to insure that each student is dealt with similarly. Parents should be advised of their right to a hearing and access to records. The hearing may be informal, but a school official with no stake in the outcome should preside.

√ Each child should have on record an individual development program with specific objectives and an outline of methodology. Programs which deal with behavior problems but do not attempt to educate are in violation of individual student rights.

√ Care must be taken that records do not unduly stigmatize children. The program studied had integrated its records with those of the regular school so that future schools or employers need not be aware of the student's special placement.

√ Opportunities for challenging the transfer of students out of the program should be offered.

√ Written procedures for handling discipline help insure that unique, constructive and successful methods, as in the school studied, can be uniformly applied.

problems and accept responsibility. Some stay three days, others stay for weeks or months, or the balance of the school year. Students cannot go back to their regular school until the return is recommended by the Opportunity Hall staff.

Student rules are strict and enforced. For example:

- Students must obtain permission each time they wish to visit the campus of a regular school. Permission must be obtained from the principal of the regular school by an Opportunity Hall teacher.
- Students must attend school every day, unless they are sick.
- Students must be on time for school. No excuses are accepted.
- Students must come to school free from the influence of drugs, including alcohol.
- Students must refrain from the use of violence or threats of violence.

Opportunity Hall serves a maximum of 52 junior high students and 52 senior high students. There are one teacher and one teacher aide for each unit of 15 to 20 students. Teachers and aides receive intensive inservice training to enable them to work under stress situations and to remain firm but "cool" under pressure. They are supported by a full-time staff psychologist and other district specialists. The teachers design individual programs for each student entering the program and the teacher aides assume considerable responsibility for classroom instruction.

The program is 85% successful, according to several evaluations completed in 1975. The evaluations took into account the students' attendance, achievement, acting out behavior and attitude change, according to McKinnon.

He advises school administrators interested in starting a similar program that they need "administrative protection," that is, "someone in the upper administrative echelons who is committed to the program, who runs interference for it, and who protects it from those who are threatened by anything very different."

FOCUS: An Alternative for Disaffected Youth

Focus is a program for "disaffected youth" started in 1971 in Roseville, Minn. (Independent School District No. 623). Students are referred to the program because of smoking, truancy, tardiness, absenteeism, fighting, drug abuse, vandalism, insubordination and profane language.

Presently 150 students in grades 10-12, or 75 from each of Roseville's high schools, are in the *full-time, school-within-a-school program.* Each program is staffed by four full-time teachers and two aides. The Focus curriculum includes six classes: English, social studies, American history, math, "family group" and work experience. Students work on individual contracts in academic classes. They may take a full load of five classes in the Focus classrooms, but they are encouraged to take at least one outside class.

In the early afternoon each day, staff members switch from academics to inservice training sessions, staff meetings and conferences with students, parents, employers and other school staff. On occasion, they may accompany students to juvenile court as volunteer probation officers.

The first goal of Focus is to make students feel secure in the environment of the school. "Kids feel an immense amount of security when they are confident of their relationship with others. Knowing for sure what to do, where to be, when to be there and for how long adds considerably to their feelings of security," notes Focus' handbook.

The backbone of Focus is the "family group," or small-group interaction. Each family group, consisting of eight to 10 students and one teacher advisor, meets for one class period daily throughout the school year. The group leader encourages the youth to use peer group pressure to deal with their disaffected classmates. Focus describes a disaffected youth in this way: "They are fearful of rejection; they are afraid to verbalize their personal attitudes and values. Some students believe they are such worthless individuals that no matter what they do, abandonment is certain. . . . They lack self esteem to the point where they become socially self-destructive. . . . Their manipulations are so destructive it is often difficult for the group leader not to reject them.

"Group leaders must be strong and nurturant and willing to show they care enough to stop all behavior which will hurt one member or hurt the group." The success of the family group is not magic, the handbook continues. "Students learn that through change, growth and productivity they gain respect for themselves and the respect of others."

Another important component of the program, says project coordinator Sue Schillinger, is the

Student Leadership Board. The members of the board are responsible for writing contracts that will help students who continue to have behavior problems in the program, despite pressure from the family group. If the board is unsuccessful, parents are brought into the situation and a terminal contract is drawn up. If it is broken, students may be removed from the program.

Focus' work experience component is state funded. It allows students to meet for one hour daily in an occupational relations seminar to discuss topics such as self-development, work problems and on-the-job relations. Students are placed in work sites in the community on various kinds of jobs, including food services, trades and industry, office and health occupations.

Focus evaluation results for a three-year period, 1971-74, show that students improved their attitudes toward school, improved their self-concept, increased their academic achievement and decreased their discipline referrals, suspensions and absentee rates. The project was officially approved for dissemination to other schools in the country by a review panel of educators from the U.S. Office of Education and the National Institute of Education. Since then, Focus has been adopted by 78 schools in 20 states.

For more information, contact: Sue Schillinger, Coordinator, Focus Dissemination Project, McCarron's Lake School, 211 N. McCarron's Blvd., Roseville, Minn. 55113.

GRASP

A two-year-old program for troubled and truant students, GRASP takes top honors among New Orleans (La.) Public Schools. GRASP is a complete high school operating out of an old school building. The 50 students enrolled in the program are there for one of two reasons: either they have been in such serious trouble at their former schools that the schools will no longer accept them or they have been assigned to the school by probation officers for truancy. The goal of GRASP is to prepare the students in a maximum of two semesters' time for return to the regular school program.

The students, who range in age from 13 to 16, are placed in three instructional groups according to their academic level, not their grade level. "Utmost authority" is asserted over the students at the start of the school year. No special freedoms are allowed. "Respect for everyone" is the students' first and continuing lesson. School operations follow procedures outlined in its constitution. The governing body or "council" includes both students and teachers. Six students are elected to serve as officers who work with the teachers in making the school's rules and enforcing its demerit system.

The demerit system was devised by students and staff shortly after the school opened. At that time, there were no set standards for behavior; infractions were treated differently by each staff member. There was chaos until the demerit system was devised. Under the system, students who accumulate 50 demerits are given a warning; 75 demerits call for a parental conference; and 150 cause expulsion. Specific offenses and the number of demerits they draw are listed. Four offenses result in 25 demerits each. They are: fighting in school; disrespect of others; leaving school without permission; and unexcused absences. Students may work off demerits at a rate of 25 per week by contracting with the student council to do a specific job. Students with more than 75 demerits may apply to the student council for probation. Candidates for the council may not have more than 50 demerits on their record and they must have at least a C average in all subjects.

GRASP, funded through a special appropriation from the Louisiana legislature, is staffed by three full-time teachers and three student aides. One teacher serves as teacher-in-charge; there is no building principal. A social worker consults with students three days a week individually and in groups, and is assisted by graduate students of social work from Tulane U., a voluntary psychologist and a psychiatrist.

The alternative school's curriculum is designed to enable students below the ninth grade to be promoted to the next grade and those above the ninth grade to earn units toward graduation. In two of the classes, reading/English and mathematics, students are evaluated at the beginning to assess individual needs. They earn points for grades on individualized assignments. Instruction in social studies and science classes is similar to that in the traditional school.

The first year results of the program showed that students improved their attendance over the previous year. Also, 93% of the parents of GRASP students rated the school as good or very good; 80% of the students rated it very good; and the remaining 20% said it was good.

GRASP students showed some improvement in reading and math. Upon entrance to the program, the students were reading 4.4 years below grade level, and were 3.2 years below grade level in math. At the end of the school year, their average reading scores were 3.7 years below grade level, their math scores 2.1 years below grade level. Approximately 75% of the students achieved one of the program's prime goals: they were able to return to traditional schools.

Other New Orleans Programs

Intervention Rooms: This program works from the premise that students sometimes need to be able to go to cooling-off rooms or intervention rooms. It offers that, but more.

The program coordinator, Joseph Marchese Jr., believes in working with all the areas and persons that influence a student's behavior. He draws peers, families and classroom teachers into the program, and tries to influence peer attitude and behavior by working with groups of students. They not only learn about behaviors that are counterproductive in school, but they look for alternative responses that give them equal or greater satisfaction than their disruptive behavior. Some youngsters are individually counseled.

Parents of "disturbing youngsters" are offered a workshop at night, and baby-sitting service is provided for their convenience. The program offers a training course and individual help for classroom teachers, with emphasis on skills that can help them deal constructively with disruptions.

After trying the program at both the elementary and junior high level, Marchese favors the former because, he says, the students are younger and they are exposed only to one teacher a day. This gives the teacher a greater chance to influence their behavior.

In the first year of operation, schools using the Intervention Room program recorded a 27% reduction in suspensions, while other schools in the district showed a 2% drop, Marchese says. One of the weaknesses of the program, the coordinator says, is that youngsters ask to go to the Intervention Room at undesignated times because they have good rapport with the counselors who staff the program. Marchese advises classroom teachers to take advantage of this situation when it happens. He suggests that they offer students time in the room as a reward for good behavior.

Total Reduction in Absenteeism of Children (TRAC): A computerized program operating in 11 New Orleans secondary schools, TRAC provides each school with a record of both full-day and class absences on the previous day. Cumulative records and monthly summaries are also provided.

The daily TRAC printout is put to many uses. An attendance clerk in each school informs parents by phone or post card of their child's absence. Teachers use the printouts to spot class-cutters and to follow-up on absences. Administrators use the printout to identify subjects and teachers with high and low rates of absenteeism. During the first two months of the program's operation, absenteeism decreased in seven schools, increased in three, and showed no change in one.

West Chester's 'Last Stop' Before Expulsion

In the West Chester (Pa.) Area School District, students are assigned to an alternative school as a last-chance, last-stop measure before expulsion. The 12,046-student district has two such alternative programs, one for junior high and one for senior high students. The maximum number of students in each program is 21. The district's guidelines say flatly: "The alternative school student copes and succeeds or takes other avenues outside of the regular public school," i.e., residential placement and expulsion.

Students are assigned to the alternative schools by the superintendent on the basis of certain characteristics, including:

- Generally negative behavior which is not limited to or directed at one class or one teacher or any isolated situation.
- Consistent behavior which results in conflicts of a disruptive nature with peers or school staff.
- No change in behavior despite the school administration's use of various alternative methods.
- Committing an act "of such gravity that retention in the school would have a disruptive and coercive effect on other members of the student body to the detriment of general school discipline."

The philosophy of West Chester's alternative program calls for it to be supportive of students but not permissive. Program guidelines on curriculum call for individual attention to basic skills and emphasis on careers, decision-making and employment information. "The alternative school's mandate will be to attempt to turn disruptive students around so they may reenter the base school and be productive and cooperative partners in learning with the student body at large," according to the program guidelines.

Omaha, Neb.: Evening School

The Westside Community Schools in Omaha, Neb., joined with five other independent school districts in pooling their resources for an evening school program. Westside refers 10-12th graders to the program if their offenses continue when they return to school following a short suspension. In Westside, a "short suspension" is of two days or less duration. The most frequent reason for suspension is cutting classes.

In the evening high school, staff members drawn from the participating schools teach English, social studies, math and science. Students receive extra help if they need to improve their reading ability. Many vocational subjects are offered, taught by qualified specialists in each respective occupation.

The success of the evening high school is due to the low pupil-teacher ratio (12 students to one teacher), according to J. A. Tangdall, principal of Westside High School. This permits the necessary immediate attention to problems and concerns and at the same time results in establishing the needed motivation for success, he says. "The evening high school is designed to permit students to earn credit toward graduation while, hopefully, being motivated to return to a successful full day academic/vocational curriculum." Some students are able to work part time and simultaneously receive their diploma through the program. He advises: "The program does not work for all students."

(Contact: J. A. Tangdall, Principal, Westside High School, 87th and Pacific, Omaha, Neb. 68124.)

How a Junior High School Copes

A new program initiated at the 1,250-student Ashley Junior High School in Gastonia, N.C., seems to be having positive effects among the school's chronic offenders.

READ (Rescue for Educational Adjustment and Development) serves students in grades 7-9 who have been suspended, mainly for chronic misbehavior. Many of the students are involved in court problems.

Students may be referred to READ by the court, teachers or themselves. All students are screened and accepted if they have an IQ level of 80 or above. They are accepted with an IQ lower than 80 if it is diagnosed as resulting from emotional problems. Parental consent is required before placement in READ.

The program, which serves approximately 35 students at one time, is staffed by one teacher and two aides. All staff members of the junior high school were involved in planning the program. In addition, a number of community agencies work with READ staff in providing counseling services and other assistance to students. The agencies include the juvenile court, community social services and family counseling, and a mental health clinic.

The basic academic skills of students are a prime concern in the program, and the staff uses a variety of commercial and teacher-made materials. Approximately 60 students serve as tutors to program participants.

Conley Clarke, the district's supervisor of guidance and testing, says Ashley Junior High is proud of its "rescue" program and what has been accomplished thus far. He points out that the 35 students in the program received one-third less suspensions in 1975-76 than a year earlier. Several students who had been suspended eight to nine times during 1974-75 were suspended only once or twice the following year. "The 'hard-core delinquents' whom we are trying to help seem to be making some improvement," Clarke says.

"While we have had some failures, there have been some very rewarding results," Clarke notes. "We have certainly improved attitudes of many of the participants and basic academic skills also are improving." He notes that "teachers may be exhibiting a more flexible attitude and that there seems to be some hope that guidance and teaching can pay off."

Chapter 7.

What Schools Are Doing In-House

The most rapidly spreading alternative to suspension is the in-school suspension program. And other traditional approaches have been pulled out of yesteryear, dusted off and modified for today's students. Detention programs, for example, are used after school and on Saturday in order to make students "pay" for misdeeds through extra hours and work.

In addition to a look at these programs, this chapter offers ideas for improving communications with the parents of a student who disobeys school rules. Lastly, it includes a description of a district that updated and revised its sports program in order to reduce suspensions and expulsions.

Texas Survey of In-School Expulsion

There are no national figures on how many in-school suspension programs exist or how long they have been around. But, in a survey of 26 Texas districts operating in-school suspension programs, James C. Stapleton, former coordinator of the Independent Study Center for the Deer Park (Tex.) Independent School District, found that most of the programs were new. Fifteen of them were started during 1975 or 1976. Only three districts had more than five years' experience in running an in-school suspension program. The survey covered districts enrolling at least 1,000 students.

Among Stapleton's other findings:

- **Ratio of teachers to students**: In more than 50% of the districts responding, one inservice teacher was responsible for 6-15 students. In 20% of the programs, the ratio was one teacher to 2-5 students.

- **Type of professional staff used in programs**: All but eight of the programs were staffed by one or more certified teachers. Fourteen of the programs did not have a certified counselor. Eight of the programs had one or more teacher aides.

- **Supervision of the program**: The building principal was responsible for 10 of the programs, either directly or through a program director. In five districts, an assistant superintendent had responsibility for the program.

- **Length of assignment**: The minimum length of assignment to an in-school suspension program was usually one day, and the maximum stay was one to five days.

- **Facilities**: The Texas survey revealed that 10 of the programs were housed in a separate building on the school campus, 11 were housed in a regular classroom and 3 were located off the school campus.

Students were most frequently assigned to the Texas in-school suspension programs because of truancy. The length of assignment was usually one to three days. In more than half of the districts (14), drug violators were not expelled from school. In six of the districts where drug violations could result in expulsion, students were admitted to the in-school suspension programs.

Fourteen of the districts allowed students to return to regular classes after completing in-school suspension "even though no academic work was accomplished." In 21 of the programs, students could not participate in extracurricular activities while they were assigned to in-school suspension. In 19 programs, students were not permitted to leave the suspension facilities for their lunch break.

The major advantage offered by the in-school suspension programs, according to the responding districts, was that they deter misconduct. In addition, they said, the programs keep students off the street, improve average daily attendance figures, and offer a setting whereby students can keep up academically. Counseling, resulting in improved behavior, was also mentioned as a strong point.

The major disadvantage or weak point of the in-school suspension programs was improper use. Too frequently, according to the responding schools, the programs end up as catch-alls and are not used as programs of last resort, as they were intended. According to some of the districts, there were "undesirable results" when students with similar problems were brought together in one setting. Other weak points were inadequate facilities and staffing.

(Contact: Independent Study Center, Deer Park Independent School District, 203 Ivy St., Deer Park, Tex. 77536.)

Advice on an In-School Program

In-school suspension programs can provide a framework for addressing disciplinary problems, says M. Hayes Mizell, director of the South Carolina Community Relations Program, American Friends Service Committee (401 Columbia Bldg., Columbia, S.C. 29201). Mizell notes, however, that an in-school suspension program must rest on a solid philosophical foundation. "If this does not happen, the good intentions which motivated the creation of the program are likely to become eroded as the program is planned and becomes operational," he said.

To work effectively, the program must assume that student misbehavior is a symptom of an underlying problem, which must be identified and worked on. Treating the student misbehavior as though *it* is the real problem will not be effective. Mizell advises that in-school suspension should not be narrowly conceived as a mere alternative to out-of-school suspensions. Nor should it be used primarily as a device to remove students from the regular classroom, or to modify student behavior to meet the teacher's or school's goals. To gain support and understanding of the program, faculty members must be involved and have a chance to give input on the program in its initial stages.

Under the kind of program Mizell advocates, the school works with the student in solving his/her root problem once it has been identified. This means the school will have to be prepared to deal with anyone else who is part of the problem, including teachers, parents, administrators or peers. "The school district must commit itself to establishing the program in such a way that its staff is able to make an objective analysis of the real problem and then have the power and support to deal with it," Mizell states.

Mizell offers other guidelines on various aspects of a program:

Assignment of students to an in-school suspension program:

- Afford students the minimal due process rights guaranteed by *Goss* before assignment to the program.

- Consider the practice of allowing one person (e.g., an assistant principal) to filter all student referrals to the program. He/she could make an independent judgment as to whether the program offers an appropriate solution to the individual student's problems. "An in-school suspension program should not be viewed as the solution to every classroom disciplinary problem, nor should it be assumed that assignment to the suspension program is the best solution to every problem."

- Avoid use of the program as an "easy and convenient solution for teachers in dealing with students" or as an abdication of responsibility for the administrator.

How long should students stay in the program?

- One to five days is sufficient time to identify the student's problem and to initiate a process for solution. "No student should stay in the program for more than five days without a review of his progress during the first five days and a clear understanding of why there is need for the student to stay longer. The review should take place in a conference of the student, his parents, the referring teacher, the assigning administrator and staff member(s) of the program. "Under no circumstances should a student ever be in a program for more than 10 days."

What should an in-school suspension program provide?

- Students should receive instruction comparable to or superior to what they would receive in regular classrooms. It should be appropriate for the student's instructional level. Any tests or other important work given in the student's regular classroom must be given in the program.

- "A basic provision of an in-school suspension program must be that students will not be academically penalized for being there, nor will they be permitted to do nothing."

- The in-school suspension staff must be able to recognize academic problems resulting from learning handicaps, inadequate previous preparation in the lower grades, use of inappropriate materials and lack of basic skills. "The school may have to meet pupils' needs through a process of teacher consultation, administrative action, class/curriculum/school transfer, or by providing the flexibility so that the school's resources may bear more appropriately on the problems."

- Significant curriculum and instructional adjustments may have to be made in a school's program. Ultimately, there may be need for a mini-alternative school set up within the regular school for students with special problems.

Follow-up after leaving the program:

- Establish a process following up on students who leave the program to find out how they are getting along in regular classes and to determine the success of the program in helping to solve the root problems. Among the suggested methods are the use of a form or card on which teachers indicate daily student behavior. Another method: counseling sessions at which students report their progress.

- "Alumni" of the program should be able to return to it for discussion of subsequent problems with program staff. In an emergency, the student should be able to go to the program at any time during the day, following notification of an appropriate teacher or administrator. A time limit of two hours for such a session is suggested.

How about staffing for the program?

- "The quality, commitment, personality and temperament of personnel who run the program are fundamental to its success." Mizell suggests that the selection of personnel should result from a careful interview process by a special panel. The panel should include persons experienced in working with troubled youth.

Other considerations in establishing a program:

The following questions should be discussed with students, teachers and administrators before final agreement is reached on program guidelines, Mizell suggests:

1. What type of restrictions should be placed on students in the program? Also consider the possible results of restrictions.

2. Should the program be located in an area of the regular school building or isolated from other classes?

3. Should students on in-school suspension have a separate break and lunch time?

4. Should the students be prohibited from participation in extracurricular activities?

Evaluation of the Program: Monitoring and evaluation of the program, done on a regular basis, will provide the means for a school to judge its effectiveness. Three questions will need to be considered:

- Is the program reducing the number of out-of-school suspensions?

- Is it helping to solve the problems of the referred students?

- Is it aiding students and others to develop greater self-discipline?

Cawker City, Kan.: After-School Detention

In the Waconda Unified School District, Cawker City, Kans., after-school detention is used as a disciplinary method – one that occurs in between warnings that a student will be suspended and the actual suspension. The policy covers students in grades 7-12. Each misconduct by a student in these grades may result in a minimum two-hour detention. Only one hour of detention may be made up in any one day. Students on detention are assigned tasks around the school.

Get Teachers' Perspective on Discipline

The secret to maintaining discipline in the classroom lies "somewhere at the heart of that very special relationship between teacher and student." This belief prompted the Dallas (Tex.) Independent School District to ask its teachers how they handled discipline problems in the classroom. Their solutions – all deemed workable by teachers who used them – are compiled in *Discipline in Dallas: Teachers' Solutions to Classroom Management Problems.*

Many of the solutions are aimed at students in the lower elementary grades. Some apply to junior high school students. Generally, they stress the rewarding of positive behavior. They also suggest that teachers either take a firm stand when needed or ignore nondisruptive behavior.

One method suitable for older students is the "trial by peers." The originator of the idea says she uses it particularly when students have "peer relations problems." The teacher sets up a courtroom, complete with defendants, witnesses and student lawyers. Questions are limited to fact-gathering; opinions are not allowed. The defendants have a chance to tell their side of a story without being interrupted. The "lawyers" are permitted to find out what happened from all parties involved. The teacher acts as overseer or judge. When the questioning is finished, the verdict is reached by secret ballot. After the verdict is read, the "defendant" is asked if he understands why he has been declared guilty or innocent. A hint to make the idea work: The teacher must stress respect for peers and the students' obligation to come up with a reasonable decision.

The importance of Dallas' little booklet is that teachers were asked to think about discipline problems and how they could be solved at the classroom level. Further, they were encouraged to share their ideas with their colleagues.

"If a student is detained for disciplinary misconduct, the student's right to ride home at district expense is forfeited," says the policy. Detention is assigned to a student who rides the bus the day *after* the incident occurs so that the student can arrange for a ride. Parents are notified of the detention by phone. If the principal cannot reach the parent within 24 hours, the detention begins anyway and the student is instructed to tell parents about the detention.

The policy recommends that parents should be concerned after the student has been detained on three or more separate infractions in the same school year. "Suspensions for up to five days may be given if in the judgment of the principal the student has not gotten the message about his/her conduct after three detentions." The principal may also suspend a student for any single act of misconduct depending on its severity. Teachers are advised to "let the punishment fit the crime" as far as detention is concerned. They may give two hours' detention for one offense and five hours for another, more severe offense.

The district, which serves four rural communities, enrolls 290 students in grades 7-12.

Louisiana Versions Of After-School Dentention

Two Louisiana districts have returned to the traditional practice of keeping students after school for infractions of school rules. Both programs were initiated as alternatives to suspension or expulsion, and they illustrate different approaches.

Detention Room, Webster Parish School Board, Minden, La.: Students in two large high schools of Webster Parish are referred to the detention room for minor infractions such as unexcused tardiness, truancy and minor misbehavior problems. Detention is held for a one-hour period immediately following the last class. The room is monitored by assigned teachers.

In the detention room, students do assigned individual study or attend counseling sessions. They must report each day until the required number of hours are fulfilled. An unexcused absence from detention results in suspension or expulsion. Students are required to provide their own transportation home after detention. "This type of disciplinary action has merit," says Assistant Supt. Harry M. Campbell. "Students dislike the idea of giving up the hour after school so they rarely return to detention hall a second time."

Behavior Clinic, East Baton Rouge (La.) Parish School System: The district enrolls 66,000 students. Thirty-nine percent of the students are black; 61% are white. The number of suspensions had generally been on the increase; in 1969, over 4,000 suspensions were recorded, but in 1974 the talley showed more than 11,700 suspensions. In the following year, the number of suspensions decreased by 600, and district spokesmen partially credit this decrease to the initiation of behavior clinics in the district's 33 junior and senior high schools. The major reasons for assignment to the clinics are tardiness, classroom or campus disturbance and cutting class.

The program's guidelines call for each principal to assume responsibility for the behavior clinic in that school. He/she assists in the selection of a moderator (an established faculty member who receives extra compensation for the job), in the assignment of pupils and in liaison with parents.

Sessions are held twice a week for 1½ hours daily. Each clinic is limited to 20 students. Basically, the behavior clinic provides students with an opportunity to be counseled and to talk about their problems in a group situation. The moderator works with individuals and groups of students and confers with school personnel in resolving students' problems. The moderator is responsible for evaluating the behavior and attitude of students following each clinic, using a prepared evaluation form. Copies of the evaluation are given to the teacher who made the referral as well as to the principal.

Students may be referred back to the principal by the moderator if at any time he/she feels he/she has done all he/she possibly can to help the students.

Alvin, Tex.: Demerit System

In the small town of Alvin, Tex., 20 miles south of Houston, truancy is the most frequent reason for suspension. The school district uses a system of demerits or suspension as punishment for student misconduct. Specific penalties are stipulated by the district. For example, fighting, cursing or "direct insubordination" are punishable by suspension.

Truants rate three demerits for each period they are truant with a maximum of 10 demerits for one day. For many of the general infractions such as illegal parking, smoking on campus or loitering off campus, second or third offenses double or triple the number of demerits. An accumulation of demerits bring the following results:

- **10 demerits**: a conduct report is made to the parents notifying them that 10 additional demerits will cause the student to be placed in an in-school suspension.

- **20 demerits**: assignment to in-school-suspension hall for three days.

- **30 demerits**: a second assignment to in-school-suspension hall for three days.

- **40 demerits or more**: student receives a three-day home suspension. Students are not permitted to make up any work they miss. No credit is given.

Students may not return to regular classes, following suspension, until parents make contact with the appropriate assistant principal either by phone or in person. If a suspension "for an indefinite period of time" or a period in excess of three school days is proposed by the principal, the student and his parents must be notified in writing of the reasons for the proposed suspension. A prompt hearing must be arranged at the school if requested by the student or parents. According to the school district's policy book, the student must be given a "fair and dispassionate" hearing. Decisions may be appealed to the superintendent, then to the board of education.

The system works, according to a district spokesman who cited figures showing the highest number of truancies and suspensions accrue to students newest to the school system – the 9th and 10th graders. According to his talley, 9th graders chalked up 23 times more truancies than 12th graders.

(Contact: The Superintendent, Alvin Independent School District, Alvin, Tex. 77511.)

Orange, Calif.: Saturday Program Saves Money

Eight junior high schools and four senior high schools in the Orange (Calif.) Unified School District have initiated a Saturday work/study program that has cut down on suspensions and saved the district money.

The schools "host" the program for a two-hour period on Saturday mornings for students who have broken rules and regulations. Infractions that merit a stint in the program, in lieu of suspension, include fighting on campus, truancy, class cuts, defiance, belligerence and arrogance.

The junior high students are put to work mainly on campus clean up and beautification projects. The senior high students may choose between the clean-up activities or academic work.

The district is saving money by not suspending students. For each day a student is suspended it loses $6.54 in attendance apportionment. In one junior high school, almost $2,000 was saved during the first 11 weeks the program was in operation. The only cost to the district was $198 to pay for the time of two instructor supervisors.

"Basically, the program works because of parent cooperation," says Stephen E. Ellish Jr., administrative assistant for child welfare and attendance. "Parents do not want their son or daughter missing school." In addition, he notes, students do not resent the work and "they are taking some real pride in their campus."

Cincinnati Saturday Work/Study

Ninth to twelfth graders who are suspended or expelled from the Mariemont Public Schools, a small suburban school district adjacent to the city of Cincinnati, Ohio, make up lost time in a Saturday work-study program. Every hour lost due to suspension or expulsion must be made up on an equal-time basis. For "chronic" offenders, additional Saturday time is required.

The session starts at 8 a.m. and runs until noon for half-day makeup, the minimum amount of time a student is assigned to the program. Students may be required to attend the session on several consecutive Saturdays.

Students have the option of staying in the building to work on school assignments under the supervision of tutors or teachers. Those not in a classroom are assigned to a work detail, which is supervised by teachers and maintenance personnel. Students help maintain the school buildings and grounds.

"The program works reasonably well with the vast majority of students," says a school spokesman. But some students are continually involved in the program. Many of these students, the spokesman says, would prefer to have a failing grade than to go back and make up school work. Students are given "incomplete" grades until work has been completed, which does not occur sometimes until the following year.

The only additional resource needed for the program is enough funds to pay teachers involved in the Saturday program. In the Mariemont schools, they are paid at their regular hourly rate.

Iowa and the Canal Zone: Probation

Both Iowa and the Canal Zone recommend probation as one means of disciplining students. The Canal Zone's law states that probation should precede suspension, and that suspension should not be considered unless probation is violated.

Iowa's *Model Policy and Rules* recommends probation, defined as "conditional attendance during a trial period," for infractions of school rules which do not warrant removal from school. The policy advises that probationary status should not be imposed for a period longer than 10 days. Further, it notes, written notice of the probation and the reasons for it should be sent to the student's parents or legal guardian, the superintendent and the school board no later than the day following its imposition. If probation is violated, the next step recommended by the Iowa Dept. of Education is in-school suspension.

Fremont, Calif.: The Conference Call

Insubordination, fighting and profanity account for half of the suspensions in two continuation high schools maintained by the Fremont (Calif.) Unified School District. (California's continuation schools serve as an alternative for students who cannot function in the regular school program.) The two schools consider a conference phone call "an extremely successful approach" with parents of students who are in danger of being suspended. "On many occasions," a school spokesman said, "the conference phone call has helped a student remain in school where previously he would have been sent home and would not have been allowed to return until the parents had appeared at the school for a conference." The conference phone call is successful, according to the spokesman, because of the *immediate feedback* and input from the school to the parents regarding the student's situation and problems. In some cases, when social workers or probation officers have been on campus, an immediate group conference has been held to discuss the situation with parents. "This gives all parties concerned an immediate 'due process' in handling the student's problems," according to the district spokesman.

Huntington, N.Y.: In-School Program

George M. Reilly, principal of R. K. Toaz Junior High School in Huntington, N.Y., considers the Toaz in-school suspension program highly workable because of the degree of teacher involvement. The program, he says, "has done much to relieve tensions within the building and to stimulate and improve home-school cooperation on matters of behavior and discipline." The number of out-of-school suspensions among students has been substantially reduced.

The idea for the in-school suspension program came from a joint administrator-teacher committee on discipline. Consequently the faculty is committed to the program and it is well organized internally, says Reilly.

Teachers are advised to handle as many classroom discipline problems as possible through a number of recommended steps: e.g., conferences, parent contact, home visits, student interviews. The assistant principal uses several options, including interviews with all referred students, telephone calls and conferences with parents, assistance of the guidance counselor and pupil personnel services and recommendations of suspension to the principal. Students who are habitually late to class, constantly disruptive or abusive or who do not respond to traditional disciplinary approaches may be recommended for in-school suspension.

The assistant principal assigns the student to in-school suspension for an "appropriate" number of days. Parents are notified by mail of the suspension and they are requested to come to school for a conference. The student's teachers are notified and they are asked to make specific assignments, which are collected by the home-school counselor. The counselor, who coordinates the program, notifies teachers whose turn has arrived to work in the in-school suspension room. Teachers who volunteer for the program devote one of their two daily preparation periods.

Green Bay, Wis.: Disciplinary Referral Form

In most schools, teachers don't want any additional paperwork. At Lombardi Junior High School in Green Bay, Wis., however, a majority of the teachers support the addition of a new five-part form used to refer students to the assistant principal for disciplinary action. In a three-year period, moreover, the number of students referred to the assistant principal's office dropped by one-third.

Use of the form decreases the chances that a student will be suspended. At Lombardi, appropriate reasons for suspension are smoking in the building, the use of drugs, or "interfering with the educational environment in the classroom," according to Assistant Principal Ross Cooney. Most referrals are made for smoking. A copy of the referral form is sent home, and Cooney tries to reach the parents by phone. He counsels the student and, if necessary, calls a conference to enlist the help of parents. The student is suspended only if the problem continues, and is then referred to the school's child study department.

How much do teachers use the referral form? Cooney says they follow administrative guidelines in handling disciplinary problems at the classroom level. If needed, they work out problems with the help of the school's guidance counselors and the student's parents. If, however, a student swears at a teacher or uses foul language and "abusively disturbs the educational environment of the classroom," says Cooney, "he is automatically referred to me."

The disciplinary system at Lombardi is working well, Cooney says, because of parent involvement, teacher support and continued assistance from the guidance counselors. The referral form details and records the student's offense, and a copy goes to the principal, the vice principal, the guidance department, the teacher and the parents. Most important, it requires the referring teacher or supervisor to specify any alternative actions that were taken to help the student *avoid* the referral. The alternative actions listed on the form include:

√ None
√ Checked student's folder
√ Held conference with the student
√ Sent previous report home with the student
√ Detained student after school for help
√ Consulted counselor for help
√ Telephoned parents
√ Held conference with parent
√ Changed student's seat, section or classroom

In effect, the form has made teachers and supervisors more aware of the actions they can take before referral. "We stress that alternative actions are essential," Cooney states.

More than two-thirds of the 67 teachers responding to a survey at Lombardi said discipline was better in 1975-76 than in the past. The teachers also gave the assistant principal a vote of confidence on the way he handled problems.

(Contact: Ross Cooney, Assistant Principal, Lombardi Junior High School, 1520 South Point Rd., Green Bay, Wis. 54303.)

Neptune, N. J.: Zip in the Sports Program

The Neptune Township (N.J.) Public School District did not heed the warning signs of approaching racial problems. Court-ordered integration had been under way for two years in the 55% white, 45% black Jersey Shore community when it began experiencing confrontations with strong racial overtones. This led the district to reconsider the value of its athletic program, but only after other approaches were tried, according to Supt. Victor J. W. Christie.

In February 1972, 600 citizens appeared at a public forum called by the school board. The board outlined a plan with a strong position for dealing with disruptive students. Its premise was that school was no place for those who did not wish to learn and to participate in student activities. "We took a hard line and expelled many students, and we set up out-of-school alternative programs," Christie says. The board then announced it was going to expand all athletic programs, extend curricular offerings and give students the opportunity to be in on decision-making processes.

"In making sports our top priority we saw in our athletic program and extracurricular activities the only medicine that offered the kind of interaction and opportunity for developing a common cause and a place where school spirit could be generated and shared by all members of the student body," Christie notes. The new program included:

- The appointment of a well liked young teacher as the director of student activities.
- The appointment of an energetic, respected and talented administrator of athletics and cocurricular programs.
- Further integration of the coaching staff.
- The addition of several new sports.
- Expansion of intramural, after-school and Saturday programs.
- Complete revamping and expansion of girls' interscholastic sports.
- Expansion of extracurricular programs in both the junior and senior high schools (e.g., debating, drama).

- Carefully planned programs to bring together the entire student body (e.g., homecoming, winter weekend).

- Planned programs by the student-oriented pep club and student council to bring the community together (e.g., awards nights, Dad's Day, Saturday breakfast for players' parents).

- Rejuvenation of the citizens organization and booster club.

- Increased activities and extension of the school band.

Christie says the new effort "cannot be presented as a success story, at least not yet." But, he emphasizes, it seems to be working. Despite budget problems, the school board gives a vote of confidence to the expanded athletic program. "We believe that young people mature through sports participation. It causes personality changes [for the better] in many students. It cuts down on juvenile delinquency and offers a resistance to negative teen peer pressure, such as use of drugs and alcohol," the superintendent advises. Since the expanded program was offered, Christie says the district has not had one recorded incident of racial confrontation and no recorded incident of racially motivated violence. Spirit and morale among the student body are high; the dropout rate has been reduced; attendance has increased; and both absenteeism and tardiness have decreased.

"We have used athletics and sports as one vehicle," he says. "Diversity of efforts and a certain amount of fearlessness and bravado have brought us this far. We still have much work to do in the field of educational programs and opportunities. But we have the initiative now and we have tasted success."

Chapter 8.

Counseling Techniques and Programs

Sometimes counseling as an alternative to suspension and expulsion works best when the student is away from a regular classroom. In other school districts, there are positive gains when group counseling sessions are scheduled regularly to make sure students have an adult to talk with about emotional or drug-related problems.

Mesa, Ariz.: Group Counseling And T.A.L.K.

The Mesa (Ariz.) Public Schools offer both preventive and after-the-fact help for alienated students, high-risk students, potential dropouts and those who have been suspended or expelled.

Two of the preventive approaches used in the growing, 28,000-student Mesa district are group counseling sessions (at the junior high school level) and T.A.L.K. (Teachers Available to Listen to Kids), a program in effect at all three high schools and one junior high school:

Group counseling sessions: High-risk student and potential dropouts at the junior high level respond positively to group counseling sessions. The sessions are particularly important, says school counselor Ruth Kilbourne, because "high risk students do not belong to any clubs nor are they involved in school activities."

Kilbourne, a seventh-grade counselor assigned to work with high-risk students at Kino Junior High School, identifies such students as those who are doing poor class work, "ditching school," having discipline problems, are continually tardy and who do not like school and do not adjust to teachers and peers.

The groups meet weekly and students attend on a volunteer basis. Sessions are held during regular class time; therefore, prestige results for students released for the sessions. The topics discussed are relevant to the group, Kilbourne says, "and what transpires remains a secret with the group.

"Group sessions are a holding device and a safety valve for these students," she says.

T.A.L.K.: First implemented in 1974, this program provides someone for students to meet and talk with about emotional or drug-related problems. In the first semester of 1975-76, approximately 1,200 students contacted a T.A.L.K. team member. Included are teachers, counselors and nurses, all trained to communicate with students. In addition to individual counseling, team members hold weekly group sessions at each school. Students are referred or go voluntarily to the sessions.

T.A.L.K. draws a positive response from students. In answers to a questionnaire on the program, students said they "feel there are others who are willing to listen" to them; they understand and like themselves much better as a result of group or individual counseling; and they are more aware of how to get along with peers and adults.

Future plans call for expanding the services offered by T.A.L.K. to include high-interest activities for students before and after school: e.g. instruction in backpacking, mountain-climbing, yoga, arts and crafts.

Putting Peer Pressure To Work Positively

One example of the peer group counseling methods now in use in schools around the country is Guided Group Interaction (GGI). It is practiced by the School Youth Advocacy Program, Michigan Dept. of Social Services. The approach was designed initially for use in juvenile correctional institutions. With funds provided by Title III of the Elementary and Secondary Education Act, GGI is being tried in four participating Michigan schools, in Menominee, Saginaw, Waverly and Lansing.

GGI's aim, says project director Paul Bader, is to change the behavior and attitude of adolescents through pressure exerted by their peers. All types of students – those who disrupt school as well as those who do not – participate in the Michigan project. Administrators, teachers and counselors nominate student opinion makers – those who have the capability of positively or negatively affecting their peers. Included are students who have had encounters with the law, have problems with drinking or drugs, have been involved in fights or have run away from home, "hot-tempered" students, bright underachievers, students who are chronically tardy or absent, who are sexually promiscuous, who have significant adjustment problems at home or school or those who are easily victimized. Groups also include "bookworms" and "loners."

A group usually includes 10 students. Boys and girls are in different groups. Great care is taken in choosing the participants as well as placing the students in groups. "The success or failure of a GGI group is often linked to the group's composition. A good mix of students and attitudes is necessary," Bader says. Project personnel have learned from experience that all of the "problem" students cannot be put together. Balance is achieved by including two or three very positive students, two or three who are generally negative and a majority who are neutral or average. All prospective group members are required to secure the written approval of their parents before entering the group. Students who strongly object to joining the group are not forced to do so.

Group leaders are the key to the success of GGI, Bader says. The majority are teachers, not counselors. They are trained over a period of 12 to 18 months, during which time they are closely supervised and evaluated. The leader's job is to create an atmosphere where students feel free enough to discuss and work on their problems and to confront each other openly regarding their behavior. Leaders are also responsible for guiding the discussion to constructive rather than destructive solutions. Group leaders personally interview prospective group members on a one-to-one basis. They make clear to the students that the group is a place to get help but it is also a place where help must be given. Participation in discussion is required.

Students must complete several short attitude surveys before entering a group. At their first meeting, they learn about the group's process and purpose from experienced group members. New members must agree to follow five basic rules. They cannot show up at the meetings "high on drugs or booze" and they must attend regularly and on time. They agree to accept and to give help and to keep group discussions confidential. They also agree that they will never physically harm or verbally abuse another group member. The new member completes his entry into the group by relating his life story and a list of problems to be worked on. The main idea is to teach students problem-solving and conflict resolution skills.

Exit from a group can be accomplished in two ways – through graduation (mastery of the GGI process) or through removal. Typically, says Bader, a group reaches maturity in 12 weeks and two to three groups have a complete turnover during a school year. Students may remain in a group from nine to 27 weeks, but each case of a continuing student is carefully reviewed after one semester. Certificates are awarded on graduation and notations are made in students' files. The four Michigan schools involved in the project all have waiting lists of students anxious to get into a group.

Bader stresses that a lot of time and effort must go into the GGI approach if it is to be successful. Group leaders must be well trained. He suggests that GGI groups are best started at the junior high or middle school level because: (1) The group culture is easier to develop since the students have not formulated their own groups or, if they have, they are very nebulous; (2) At this age, youth tend to be more malleable and willing to discuss their concerns; (3) A district gains the benefit of having the group graduates in the system longer, which means they can positively influence their peers.

"To effectively change antisocial behavior and values," Bader says, "one must change the peer group as well as the individual. When GGI techniques have reached into all the cliques and subcultures of a school, a change in climate of the learning environment is almost inevitable."

According to one outside assessment, the program has great potential for improving the school atmosphere and for reducing the need to suspend individual students. In one of the target schools, the group meets in emergency session if a member of the group commits a suspendable offense. The group tries to negotiate with the principal for a solution to the problem, hopefully one that does not include suspension.

(Contact: Paul Bader, Project Director, School Youth Advocacy, Dept. of Social Services, 300 S. Capitol Ave., Lansing, Mich. 48926.)

PASS: A Federally Approved Program

During the four-year period, 1968 to 1972, suspension increased 200% in the Pinellas County

Schools (St. Petersburg, Fla.). Student suspension zoomed, according to district spokesmen, because student behavior nosedived. In 1971, approximately 1,000 pupils per month were being suspended from the urban school district because of "inappropriate behavior." At that time one high school and two junior high schools in the district were selected to try a new program, which was to be funded by Title III of the Elementary and Secondary Education Act.

The program, PASS (Positive Alternatives to Student Suspensions), has reduced the number of suspensions as much as 30%. It has been accepted by the federal government as an exemplary program worthy of replication by other school districts. A federal panel of evaluation specialists and educators, drawn from the U.S. Office of Education and the National Institute of Education, judged that the program could achieve similar results if implemented in other school districts.

PASS' objective is not only to decrease significantly the number of students suspended from school but also to decrease the number of students referred to administrative personnel for punishment due to unacceptable behavior. The major activities of the program include:

- Having a social worker and school psychologist provide individual and group consultation sessions which teach school faculties how to interact effectively with teen-age students.
- Establishing "time-out" rooms which are managed by a teacher or paraprofessional who is trained and supervised by the school psychologist and the social worker.
- Providing counseling for students who are experiencing serious or recurring interpersonal confrontations.
- Providing counseling to parents; assisting them in the development of communication and problem-solving skills.

All school personnel – administrators, teachers, counselors, secretaries, custodians, paraprofessionals and lunchroom personnel – are encouraged to participate in PASS workshops. The workshops may be one-day events or seminars continuing throughout the year. PASS personnel attempt to help faculty members learn how to create a humanized, caring school that meets the needs of youth. PASS also offers teachers and administrators a guided group-interaction program. The participants meet once a week for 12 weeks in two-hour, after-school sessions. They learn values clarification, transactional analysis and other applied behavioral science techniques in an attempt to better understand themselves and their students.

The time-out room is operated on the theory that many school behavioral problems can be eliminated if intervention takes place before punishment becomes necessary. The room is not intended to be used as a place for punishing students, although they can be placed there temporarily when appropriate. Students may also request placement in the room. Length of stay is determined by individual circumstances in each case. The time out room allows students to talk out their problems with a "facilitative listener." The listener aids students in forecasting consequences, exploring alternatives and making decisions about future behavior. PASS director Ralph Bailey stresses that much of the success of the time-out room depends on the facilitator.

PASS offers a "school survival course" for students who have a negative self-perception or who experience frustration. Students learn in the 12-week program, how they can survive in school and receive positive feedback from teachers and other students. The program requires a skilled leader and one hour a week from students. Use of the survival course over a two-year period resulted in a decrease in teacher referrals and in suspensions for the enrolled students, according to Bailey. A spin-off is called the "home survival course." It is aimed at students who are experiencing difficulties both at home and at school. "The course can be beneficial without parental awareness," says Bailey, "but it is more effective when parents participate in a parent training group or receive counseling from PASS personnel."

Results: PASS was piloted for two years in three secondary schools. Currently it is being fully implemented in five schools and partially implemented in another seven schools.

Suspensions at the targeted high school dropped from 28 per 100 students in 1971-72 to 21 per 100 students in 1973-74. At the targeted junior high schools, suspensions dropped from 35 per 100 students in 1971-72 to 26 per 100 students in 1973-74. By comparison, nearby schools were experiencing increases in suspensions during the same time.

(Contact: Ralph E. Bailey, Director, Pupil Services Demonstration Project, All Children's Hospital, 801 6th St. S., St. Petersburg, Fla. 33701.)

Omaha: Individualized Study Center

For almost a decade, the Omaha (Neb.) public schools have operated Individualized Study Centers for students in grades 7-12 "who find it impossible to remain in the regular classroom because of severe emotional, physical, social or academic problems." Four such centers now serve the 57,000-pupil district.

The district describes the kinds of problems encountered by students who are referred to the centers:

> Call him John Jones. He is 13 years old. He's failing most of his courses. And he describes himself as 'at the end of the line.' John's teachers and counselors say he is bright, 'streetwise,' hostile, aggressive and frequently absent or tardy. Many are aware of John's frequent contact with law enforcement officers and social service agencies. School efforts to help John have included tutoring, counseling and reassignment to schools outside the neighborhood where he lives. John says he hates each school he has attended, doesn't understand what is going on in class and doesn't care. He says he doesn't know what he will do tomorrow, or for the rest of his life.

The centers stress counseling, rather than earning credit. "We try to help youngsters solve problems," says Donald Ruby, director of the study centers. The students work at their own pace "while being held responsible for their progress and actions," Ruby adds. Although the goal of the program is to return students to the regular classroom, some students remain at a center until graduation.

Teachers who staff the centers learn through inservice training how to communicate better with students, and they are taught discipline methods "which elicit respect, fairness and cooperation from students." Staff members meet in daily sessions to discuss the personal and school adjustments of individual students and to exchange techniques on teaching, developing rapport with students and discipline.

During the 1974-75 school year 1,062 students spent at least part of the school year in a center. End of the year statistics show that the largest number of students (447) remained in the centers, 313 returned to regular schools, 173 withdrew, 40 graduated, 13 enlisted in the armed forces, 42 went on to other programs and 34 went to work.

Houston: Student Referral Center

The Houston (Tex.) Independent School District is receiving help from the county's Juvenile Probation Department in an attempt to keep students in school, off the streets and out of juvenile court. A Student Referral Center, started in 1974, is staffed by two full-time counselors and a master teacher. One of the counselors is paid by the probation department, the other by the school district. Both counselors work with students, their families, education officials and community agencies. In 1974-75, 33 community agencies provided services to the 419 students visiting the center.

Most students are referred to the center by principals or assistant principals in six high schools and six junior high schools located in one area of the city. Students also may call or drop into the center on their own initiative for counseling. Students referred to the center in lieu of an out-of-school suspension follow a set routine. School starts at regular time – 8 a.m., and ends at 2:30 p.m. Mornings are reserved for class assignments. The afternoon schedule combines regular class assignments, individual and group counseling, arts and crafts and games.

Peter J. Durkin of the county's Juvenile Probation Department believes that programs like the center must provide a positive experience for youngsters. "In order for a youth to perform better in school it is imperative that he improve his self image, experience some success and learn something about the decision-making process." He notes this positive atmosphere is often in conflict with the views of school administrators. Durkin says administrators often think the offending youths should somehow be punished for their misdeeds. He advises also that the center should deal with students who have the most pronounced problems. Ideally, he says, school counselors should screen referrals to the center. "Effective family counseling takes a great deal of time and unnecessary referrals clog up the system," he says.

First-year statistics on the program show that most students were referred to the program for "comparatively serious infractions," including frequent truancy, runaways, stealing, fighting and frequent drug use. Fifty-one percent of referred students were one or more grades behind in their schoolwork. Most were between the ages of 14 and 16.

Chapter 9.

Dealing with Nonattendance

The trend is clearly toward finding ways to keep students in school all day, every day, except for excused absences. School districts can expect to come under more and more criticism if they suspend or expel students for acts of truancy or skipping. And some school districts have found successful ways of coping with nonattendance.

Roswell Shifts Responsibility From School to Students/Parents

More students were being suspended or expelled from the Roswell (N.M.) Independent School District for nonattendance than for any other reason. To cope with the problem, the district adopted a "10-day attendance policy." Applicable to the 3,000 students in grades 9-12, it went into effect at the beginning of the 1975-76 school year. The policy also takes tardiness into account.

The main benefit accruing to the district during 1975-76, as a result of the new policy, was greater use of principals' time in areas other than attendance. The figures on nonattendance were not significantly different than the previous year's totals, according to a district spokesman.

Under the 10-day policy, school attendance becomes the direct responsibility of parents and students. The school's stance is simply stated: "All students are expected to attend school regularly and to be on time for classes in order to benefit from the instructional program and to develop habits of punctuality, self-discipline and responsibility."

Following are edited excerpts from the policy:

1. The terms "excused" and "unexcused" will no longer be used; notes or telephone calls will *not* be required before or after an absence. All work may be made up. It is the student's responsibility to make arrangements with the teacher.

2. After three absences from any class period during a semester, the teacher will fill out a form letter in quadruplicate, indicating dates of absences and forward to the Attendance Office. Copies of the letter will go to parents, the counselor and the Attendance Office, and one copy will be retained by the teacher. After the sixth absence, there will be a conference with the student's parents and staff. After the tenth absence, the parents will be notified by certified mail that the student has been withdrawn from classes. A reasonable attempt will be made daily to contact parents of absent students by phone.

3. After accumulating 10 absences from any one class during a semester, the student will not receive credit for the course. However, the student will be encouraged to remain in the class for the remainder of the semester and receive a withdrawal grade (W). If the student is dropped from the class for continued absences or discipline problems, the student will be sent home for that period or assigned study hall. The student will receive a grade of F. (The grade of W does not affect the grade point average, but the grade of F will lower it.)

4. If the student elects to remain in class after 10 absences during a semester, he will be expected to do all class work. However, if the student is absent *one* more time or becomes a discipline problem, he will be dropped from that class.

5. The 10 days of absence described in the policy are to take care of personal illness; professional appointments that could not be scheduled outside of the regular school day; other serious personal or family problems.

6. A student who is suspended from school for a disciplinary problem for any number of days will have that number charged against the total of 10 permitted in the policy. If, however, the student is suspended for any number of days which causes him to reach 10 days, he may receive approval for an extension and be permitted to attend classes on a day-to-day basis.
7. Extenuating circumstances presented at a parent conference may be given consideration by the administrator and teacher to extend the limit.
8. Two incidences of tardiness to a class will be considered as equal to one absence. Tardiness of five minutes or more to a class will be considered an absence. The teacher shall notify the student when such incidents are recorded as absences.
9. Students who have lost two of their scheduled classes due to an accumulation of 10 absences may forfeit their right to remain in school for the remainder of the semester. Each case will be reviewed by the administrative staff.
10. Absences from study hall will be treated the same as absences from any other class.
11. If a student elects to remain in class after incurring 10 absences and has perfect attendance and discipline for the remainder of the semester, he may receive credit for the class, upon recommendation of the Attendance Committee.

As a final note, the policy states: "It is extremely important that students realize and understand that the 10 days of absences built into the attendance policy are not to be considered as approved skip days."

(Contact: H. Fred Pomeroy, Superintendent, Roswell Independent School District, 200 W. Chisum, Roswell, N.M. 88201.)

Contingency Contracts: An Answer To Truancy, Expulsion

Contingency contracts provide an effective answer for dealing with truancy, tardiness and inattention to classroom work at El Camino High School, La Mirada, Calif., according to the principal, B. David Brooks. In addition to his own work with truants Brooks says, another teacher has successfully used his contingency management techniques to combat tardiness. Currently, he is testing the use of contingency contracts with students who otherwise would have been expelled from school.

Brooks' specific techniques include a modified token economy, contingency contracts and group guidance meetings. Following is a description of the procedure:

A meeting was held with a group of students who were truant nine or more days during the first eight weeks of school. Each student in the group was paid 50¢ to attend the meeting. Attendance was 100%. At the meeting, students were told how behavior modification techniques and contingency contracts work. Brooks made a point of *not* preaching to the students as to the importance of school and good attendance.

Each student was scheduled for a 10-minute conference during which he discussed and signed a contingency contract (see sample below).

At the time the contract was signed, Brooks gave each student a "reward schedule." It stipulated that the rewards earned by the student would vary over the eight-week intervention period. Students were given a ticket for each time they attended class. They were given bonus tickets for positive comments written by the teacher on their cards. Bonus tickets were awarded for five straight days of attendance, then 10 days and 15 days. At the end of the three-week period, a drawing was held. Each point accumulated by the student entitled him to a "chance" in the drawing. Better attendance meant a better chance of winning a prize. Students could win $10 first prize, $5 second prize, $3 third prize, and $1 each for 4th through 10th prize.

The reward schedule changed after the first three weeks to include movie passes, record albums and gift certificates. No prizes were awarded following the eighth week. Instead, as explained by Brooks to the students, their rewards for better attendance included success in class, less nagging by parents and freedom from the feeling of "getting caught" for skipping.

Nineteen of 20 students in the experimental group significantly reduced the number of days they were truant during the eight-week period. By comparison, only four students among 20 in the control group reduced truancies.

The results prove, Brooks says, that school officials "could save time and effort by dealing with the individual truant behavior and not attempting to alter environmental contingencies that may be beyond the control of the school, such as home problems and societal conditions." He notes also that teacher attitude may have been changed toward the students. "The writing of positive comments by the teacher may have set conditions whereby the teacher began to have a positive swing in his attitude toward the student. This may have set off a chain reaction that was mutually rewarding to both."

Student reaction to the contracts was positive, Brooks says, because they knew what was expected and what would happen if they followed through on the contract. "The contract and reward schedule also provide an opportunity to reward a positive behavior instead of punishing a negative one," he says. In a very real way, he maintains, contracts eliminate the need for suspension and expulsion.

Brooks recognizes that, in most cases, money cannot be used as a reward because it just is not available and that finding appropriate rewards for high school students is a very difficult task. He advises, however, that "probably the best reward is free time." (The permission of both school and parents must be obtained before offering free time as a reward.)

Several cautions apply in the use of contingency contracts, Brooks says. He warns school personnel not to write too many provisions into contracts. "The rule of thumb is that each contract should be used for a specific individual's behavioral strategies that need to be changed and should not include great numbers of behavior." Otherwise, students may be overwhelmed by the contract and will find it easy to give up. Brooks advises school counselors to start with a few contracts at first, and to build a management system.

Currently, Brooks is testing the use of behavior contracts with students who otherwise would have been expelled from school. As an example, one such contract calls for a high school student to:

√ Complete assignments as designated by his homeroom teacher;

√ Spend four hours weekly reading in the public library (the student must maintain a record of what he reads and have the librarian verify the amount of time he spends in the library);

√ Observe municipal court operations for five hours per month;

√ Attend sessions with the school counselor;

√ Not be on or around any other school campus in the district while classes are in session;

√ Review the contract once or twice monthly with Brooks or a counselor.

The contract stipulates that failure to comply with the provisions of the contract will result in expulsion. The contract is signed by the student, his parent and Brooks, as high school principal. The contract is in effect for one year.

At the very least, contracts enable the district to keep in touch with students who have had serious behavior problems. "We haven't had to turn them completely loose on the streets," Brooks notes.

(Contact: B. David Brooks, principal, El Camino High School, 14640 Mercado Ave., La Mirada, Calif. 90638.)

Baltimore's AIM

In the Baltimore (Md.) City Public Schools, truancy is never punished by suspension. The reason: "Suspending a student for truancy seems to put an official stamp on his absence," says Russell B. Lyles, Jr., coordinator of a project known as AIM (Attendance Improvement Monitoring).

Baltimore's problems with attendance have been serious for several years. During 1974-75, more than 30,000 students out of 173,000 were absent from school more than 40 days each. "The reasons for their absences varied but we feel the bulk were absent without proper cause," says Lyles.

AIM is new, but a long time in the coming. It was started in February 1976 after two separate groups studied the problems of attendance, one in 1972, the second in 1975. Under the pilot project, 40 persons known as "home visitors" carry out the duties of old-fashioned truant officers. Now however, the home visitors are linked to central office personnel: school social workers, counselors and school psychologists.

AIM home visitors have three objectives: to improve attendance, to help students make academic progress in reading and math and to provide the students with on-site advocates. Each home visitor works with a caseload of students. They attempt to identify problems in the home that might be contributing to poor school attendance and to refer parents to appropriate community resources, when possible. Once the student returns to school, the AIM worker tries to arrange for special screening, class changes or tutorial help in the community's remedial programs.

AIM workers are divided into 12 teams and the leader of each reports to a school principal or his/her designee. At the time this Special Report was written, no formal evaluation of the program had been completed. "To date," says Lyles, "the only observations of AIM have been subjective observations. These have been very favorable."

(Contact: Russell B. Lyles, Jr., Coordinator, Project AIM, Baltimore City Public Schools, 2300 N. Calvert St., Baltimore, Md. 21218.)

Putting the PTA To Work on Absenteeism

One way to cut down on absenteeism, and consequently on suspensions, is to enlist the help of the local PTA. This advice comes from the National Congress of Parents and Teachers. In a study funded by Sears, Roebuck and Co., the National PTA found that 2.5 million enrolled students are absent each day, and that absentee rates sometimes run 30% and higher.

Local PTA units are advised to come up with their own solutions, but the national group offers numerous suggestions. It stresses, for example, that the time to emphasize attendance is during the early school years. This prevents children from forming patterns of high absenteeism that may result in suspension in later school years. Some school principals have already encouraged the PTA to help them keep students in schools. Others may want to solicit the help of local units by passing on and adding to the following suggestions from the national group:

- Assist the school in establishing and maintaining an accurate system of absences and reasons for absences.
- Set up a system for telephoning the parents of an absent student each day he or she is absent to inquire about the cause and to offer assistance. "Parents appear to be the most successful callers."
- Offer a baby-sitting service during school hours for parents who might otherwise have to keep older children at home.
- Bring more volunteers into the schools to work with students having difficulties of any kind.
- Give awards to students or classes for outstanding attendance.
- Encourage the school board to develop a clear policy regarding absenteeism, truancy and suspension and inform parents of that policy.
- Operate a "wake up" and "pick up" service for children of working parents.
- Arrange for transportation to and from school for a child with a truancy problem.
- Assist in establishing counseling centers for chronic truants, perhaps in cooperation with local police.

WHAT HAPPENS IN THE PRIVATE SCHOOL

Private schools responding to the *Education U.S.A.* Special Report Survey report few problems with suspension and expulsion. They offered numerous reasons as to why. One Florida school said, for example, "Our high school is located in an upper middle class neighborhood and since there is a tuition of $700, the type of student we have is usually very serious."

Student/Facility Executive Committee

The Westtown (Pa.) School, a Quaker coeducational boarding school, focuses on the prevention of problems which could lead to suspension or expulsion. If a student has been identified as having smoking or drinking problems for instance, he is counseled by an advisor, the dean or a student council member. If the student is seen committing the offense, the student council recommends to a student-faculty executive committee the disciplinary action to be taken. The student's parents are informed and the student is placed on probation with the understanding that one more violation of major school rules could mean expulsion. The student must write a contract stating his intentions and his understanding of the major rules. The student is counseled through the school's advisor system, deans, dorm faculty and student council. The school may always draw on the services of a psychologist and a psychiatrist. Parents cannot object because they and the students sign the student application form, which informs them of offenses that lead to suspension and expulsion.

Westtown's program "doesn't always work," says Principal Anne Wood. "When it does, it is because the student has come to be motivated to be willing to conform to school rules since the advantages of the school outweigh the disadvantages to him. He has friends here, he is increasingly involved in the positive aspects of school life, he doesn't want to change schools. Doubtless," she adds, "the knowledge that expulsion is a real possibility has some deterrent effect."

Probation

Archbishop John Carroll High School for Boys in Radnor, Pa., uses a discipline probation system for suspended students or for chronic violators of less serious regulations. In the school, which enrolls 1,000 middle and upper middle class boys, students may receive one- to three-day suspensions for serious violations or repeated violations of school regulations. In 1974-75, juniors and sophomores received the most suspensions. Students were suspended more often for cutting class (40 suspensions) and for truancy (26 suspensions) than for any other reason.

When suspended, the student is sent home for one to three days. He may not attend class or any school functions. Before the student is allowed to return, his parents or guardian must have a conference with a school administrator, such as the dean of student affairs. Students must make up all missed school work and they are assigned disciplinary detention or special duty.

Suspension automatically places the student on disciplinary probation. During probation, the student is required to meet with a counselor once a month and to demonstrate an improvement in the situation or problem that has caused him to be placed on probation. At the end of the quarter following the offense, the dean of students and the school counselor review the student's case to determine if the probation will be lifted. If the student then reverts to his old habits, probation is restored.

Technical Suspension

At St. Bonaventure High School in Ventura, Calif., a private, co-ed institution, suspension is not considered an effective punishment. For some students, however, the school arranges a "technical suspension." The student is required to stay one hour per day after school for a week. Students on "technical suspension" are supervised by one of the school's deans. A school spokesman says: "We know of no program that works for the serious discipline problem. Our most serious problem seems to be the student who is frequently truant and who is often emotionally unable to cope with school life. We have neither staff nor time to deal adequately with such students. We counsel them to try another educational alternative.

For More Information

Following is a listing of selected references used in the preparation of this report, which may be helpful to educators and others interested in obtaining more information.

The Law of Suspension and Expulsion: An Examination of the Substantive Issues in Controlling Student Conduct. National Organization on Legal Problems in Education, 825 Western Ave., Topeka, Kan. 66606; 66p; 1975; $4.95 prepaid.

The Reasonable Exercise of Authority, II. National Assn. of Secondary School Principals, 1904 Association Drive, Reston, Va. 22091; 32p; 1976; $3.00 prepaid.

School Suspensions: Are They Helping Children? Children's Defense Fund, 1746 Cambridge St., Cambridge, Mass. 02138; 257p; 1975; $4.00 prepaid.

School Violence and Vandalism: Models and Strategies for Change (hearing before the subcommittee to investigate juvenile delinquency, Sept. 17, 1975). Supt. of Documents, U.S. Govt. Printing Office, Washington, D.C. 20402; 1,074p; 1976; $9.55 prepaid.

Conclusion

This *Special Report* has basically been about fairness.

The use of suspensions and expulsions became a real issue for school officials when the *Goss* and *Wood* decisions mandated minimum due process procedures for students involved in suspension actions. The U.S. Supreme Court said students must be dealt with fairly, not arbitrarily. National studies published shortly after the court decisions confirmed that the incidences of suspension and expulsion were frequent enough to concern civil rights groups, the federal government, parents and education organizations. Neither the court decisions nor few efforts of various groups have suggested doing away with suspensions and expulsions entirely. However, the growing emphasis, as expressed by a California association of child welfare supervisors, is that any use of suspensions and expulsions should be "*to* an alternative program rather than *from* educational opportunity."

And that is what the rest of this *Special Report* is about.

First, state education agencies and local school districts have learned to set down specific policies regarding suspension and expulsion, usually as part of general codes on discipline and student rights. The next step has been to provide alternative programs for what a Maryland secondary school study prefers to call "disrupted" rather than "disruptive" youth. The most successful alternatives seek positive ways to change behavior, rather than emphasizing the alternatives as a form of punishment. Many are housed in separate buildings with a complete education program tailored to the individual needs of students. They range from open-ended curricula with an emphasis on student decision making to structured programs where freedoms are granted gradually on the basis of acceptable behavior.

In-house suspensions, to be effective, must assume that student misbehavior is a symptom of an underlying problem. Sometimes the solution is as small as transferring a student permanently out of a single classroom. In addition to providing all of the procedural due process safeguards, the best in-house suspension programs also coordinate all such disciplinary actions under one administrator, limit the suspension to an average of only five days, and maintain or improve the academic progress of the student.

Success with alternatives to excessive suspensions and expulsions depends on the abilities and commitment of the people who work with disrupted youth. Counselors and special teachers must be capable of detecting learning problems and must be teachers whom students can trust with their problems; parents must be a part of the solution, and communities should be considered as resources for helping troubled students.

While the U.S. Supreme Court decisions might seem restrictive to some, they undoubtedly have motivated changes in schools throughout the country – changes which have protected students and resulted in better programs for them. The high court could not have said it more succinctly than in addressing school officials: "That they are educating the young for citizenship is reason for scrupulous protection of the Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes."